



HUMAN RIGHTS INDEX

**NIGERIA'S TREATY REPORTS AND
CONCLUDING OBSERVATIONS OF TREATY BODIES**

Editors

Tony Ojukwu, Ifeoma Nwakama and Uchenna Emelonye

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PREFACE

National Human Rights Institutions play important roles in assisting their governments to engage with the international human rights system by providing advice on ratification of human rights treaties, as well as providing technical support in the preparation of State Party Reports. The National Human Rights Commission of Nigeria, in line with its mandate to assist government to live up to its international human rights obligations, has over the years, participated actively in the preparation of Nigeria's State Party Reports to the major regional and international human rights treaties.

Nigeria, being signatory to relevant human rights treaties, has the obligation to submit reports periodically to the treaty bodies. The timelines for reporting are usually stated in such instruments and when States sign and ratify the treaties, they are wholly aware of their obligation to submit reports on their level of implementation of the provisions of such treaties. Once submitted, State Party reports are considered by treaty bodies in order for them to make their recommendations to the member state and forward their concluding observations thereafter. These recommendations and concluding observations are expected to form the benchmark upon which subsequent reports are based, and so keeping track of these submissions by the treaty bodies is very important for state parties.

It has been observed that Nigeria has made efforts to submit timely reports on some of the treaties it has ratified, while some treaty reports have been unduly delayed, causing the treaty bodies to go ahead, in the absence of such reports, to consider the human rights situations in Nigeria with respect to the letters and principles of the particular treaty. In the reporting cycle, member states are permitted to submit reports being owed, in arrears, and so there are instances where Nigeria submits joint reports to cover two or three reporting cycles. An example is the report on the Convention on the Elimination of All Forms of Racial Discrimination, which Nigeria ratified in 1967, but submitted its initial report in 1988. Where delays in submitting treaty reports occur, the Commission, since it came into existence, has always reminded government of its obligations in this regard and offered technical support where necessary.

This compendium attempts to put together all Nigeria's treaty reports, and the corresponding recommendations and concluding observations made by treaty bodies. A lot of research had to be carried out by the team at the Human Rights Institute of the Commission as it was noted that Nigeria's treaty reports were not nationally archived but scattered in different line Ministries and Agencies. As such, efforts had to be made to obtain full or partial reports in some cases, while the United Nations sites on treaty reporting status of member states proved very valuable in the course of the work.

This work acknowledges that there are independent reports submitted by non-governmental organisations, as shadow reports, which form an important part of the reporting process. Treaty committees welcome these shadow reports as they afford them a balanced view of human rights situations in reporting countries. These shadow reports, though mentioned, do not form part of this compilation.

It is hoped that this user-friendly compilation will be a very useful resource for human rights practitioners and researchers at various levels and be helpful to relevant government agencies charged with the responsibility of implementing Nigeria's treaty obligations. This compilation serves as a reference material that would guide the preparation and submission of future reports.

The National Human Rights Commission is always available to play its traditional role as a link between the State and the international human rights system and this publication is one such way

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to direct attention to Nigeria's human rights treaty obligations and thus advance the promotion and protection of human rights in Nigeria.

Chief Tony Ojukwu, OFR, SAN
Executive Secretary,
National Human Rights Commission

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FOREWORD

The relevance of international human rights treaties in the development of the Nigerian human rights law and the legal system generally cannot be overemphasized. Since the adoption of the United Nations Charter in 1945 and the Universal Declaration of Human Rights in 1948, international human rights treaties have continued to provide guidance to national human rights legislations and have become the basis of various human rights laws across different legal systems of the world.

Upon her admission as a Member State of the United Nations on 7 October 1960, the Federal Republic of Nigeria joined other Member States of the international community in the progressive development and implementation of international human rights treaties. Nigeria has in this regard, consistently distinguished itself in promoting international co-operation, respect for international law and consolidation of the universal peace, including being a troop contributor to most UN peace keeping operations right from 1960. Nigeria has in consequence ratified many United Nations human rights treaties, and also established institutions and structures that would ensure effective implementation of these treaties.

It is worth stating that Nigeria's continuing commitment to its treaty obligations has its foundations in the Constitution of the Federal Republic of Nigeria, 1999. This is contained in section 19 of Chapter II of the Constitution dealing with the Fundamental Objectives and Directive Principles of State Policy. The section stipulates that Nigeria's foreign policy objectives shall be anchored, amongst other things, on respect for international law and the observance and implementation of its treaty obligations.

Consequent upon this constitutional commitment, Nigeria has periodically submitted series of reports on efforts being made to implement the treaties to which she is signatory, to the United Nations treaty bodies and independent experts that are established by the UN to monitor the implementation of these treaties. On their part, the United Nations treaty bodies have over the years reviewed these reports and have made general comments, concluding observations, as well as specific recommendations on what needs to be done to further improve on the implementation of these treaty obligations by Nigeria.

It is therefore heart-warming that the National Human Rights Commission has taken the onerous task of collating and compiling these periodic reports, concluding observations, as well as the recommendations of the treaty bodies through the publication of this Human Rights Index. The Index has been published as a roadmap and useful reference material that will guide decision-making process and stimulate action on the part of implementing agencies of government in a way that will ultimately contribute to improving the lives of all people in Nigeria.

I must say that this is coming at a good time in the life of our dear country when there is a need to calibrate the country's compliance with its human rights treaty obligations. I am therefore optimistic that the index will go a long way in addressing the issue of proper documentation, which is one of the major challenges affecting effective treaty implementation processes.

With this unique publication in the vital area of human rights and fundamental freedoms, it is hoped that the National Human Rights Commission will extend this work to also cover the United Nations Special Procedures, such that Nigeria can have the benefit of documenting the numerous visits made to the country by various Special Rapporteurs and Independent Experts of the Human Rights Council, as well as their reports on Nigeria in their thematic areas of focus. The Federal Ministry of Justice will, in line with its statutory responsibilities as the Depository of Treaties under the Treaties (Making Procedure, Etc) Act, support any endeavour in this regard.

On its part, the Federal Government of Nigeria remains committed to its treaty obligations. It will continue to strengthen our national institutions, which will provide the enabling environment for the effective implementation of its treaty obligations. The Federal Government however believes that, in

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a multi-cultural and dualist country like Nigeria, the treaty implementation process will entail a progressive adaptation to cultural, religious and historical contexts in line with the principles of the Vienna Declaration and Programme of Action.

It is the expectation that the Index will be a benchmark for enhancing the review of Nigeria's reporting status, as well as monitoring progress made in the implementation of Nigeria's treaty obligations over the years. I hope that the Index will be a useful guide for relevant authorities and provide the basis for better informed policy-making.

Abubakar Malami, SAN, CON
Honourable Attorney-General of the Federation
and Minister of Justice.

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ABBREVIATIONS

ACJA	Administration of Criminal Justice	CESCR	International Covenant on Economic, Social and Political Right
ADP	Agricultural Development Projects	CFRN	Constitution of the Federation Republic of Nigeria
AGHI	Accessing to Good Health Initiative	CI	Confidence Interval
AIDS	Acquired Immunodeficiency Syndrome	CIRDDOC	Civil Resource Development and Documentation Centre
ANPPCAN	African Network for the Prevention and Protection against Child Abuse and Neglect in Nigeria	CiSHAN	Civil Society for HIV/AIDS in Nigeria
APP	All Peoples Party	CODESA	Convention on a Democratic South Africa
ARC	African Regional Conference	CRC	Convention of the Rights of the Child
AREF	African Refugee Foundation	CRC-OP-AC	Optional Protocol on Convention on Rights of the Child on the Involvement of Children in Armed Conflicts
AU	African Union	CRC-OP-SC	Optional Protocol on Convention on the Rights of the Child on the Sales of Children, Child Prostitution and Child Pornography
AWWDI	Advocacy for Women with Disability Initiative	CRF	Consolidated Revenue Fund
BEMONC	Basic Emergency Obstetric and Newborn Care	CRIB	Child Rights Information Bureau
BFHI	Baby Friendly Hospital Initiative	CRPD	Convention on the Rights of Persons with Disabilities
BHCPF	Basic Health Care Provision Fund	CRPD-OP	Optional Protocol on Convention on the Rights of Persons with Disabilities
BLP	Better Life Programme	CSM	Cerebro-spinal Meningitis
BVN	Bank Verification Number	CSOs	Civil Society Organisations
CAP-OP	Optional Protocol on Convention against Torture	CSOs	Civil Society Organization
CAT	Convention against Torture	CSW	Christian Solidarity Worldwide
CBAAC	Centre for Black and African Arts and Civillisation	CVE	Countering Violent Extremism
CBVR	Community Based Vocational Rehabilitation	CWIQ	Core Welfare Indicator Questionnaire
CDD	Child Development Department	CYPL	Children and Young Persons Law
CED	Convention for the Protection of All Persons from Enforced Disappearance	DFID	Department of International Development
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women	ECE	Early Childhood Education
CEDAW-OP	Optional Protocol on Convention on the Elimination of All Forms of Discrimination against Women	ECOWAS	Economic Community of West African States
CEDC	Children in especially Difficult Circumstances	EFFCC	Economic and Financial Crimes Commission
CERD	International Convention on the Elimination of All Forms of Racial Discrimination	EPG	Emminent Persons Group
		ERGP	Economic Growth and Recovery Plan

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FACU	Federal Agricultural Coordinating Unit	HND	Higher National Diploma
FBOS	Faith Based Organisations	HRI	Human Rights Institute
FBOS	Faith Based Organizations		
FCT	Federal Capital Territory	IAH	Initiative for Advancement of Humanity
FDA	Federal Development of Agriculture		
		IAPD	International Alliance for Peace and Development
FFLH	Female Functional Literacy Health		
		IBFAN	International Baby Food Action Network
FGM	Female Genital Mutilation		
FHREP	Fundamental Human Rights Enforcement Procedure	ICARH	International Centre for the Advocacy of the Right to Health
FIDA	Federation of Women Lawyers	ICCPR	International Covenant on Civil and Political Rights
FME	Federal Ministry of Education		
		ICPC	Independent Corrupt Practices and other Related Offences Commission
FMOH	Federal Ministry of Health		
FMWAYD	Federal Ministry of Women Affairs and Youth Development	ICRC	International Committee for Red Cross
FOIA	Freedom of Information Act	IDD	Iodine Deficiency Disorder
FOS	Federal Office of Statistics	IDPs	Internally Displaced Persons
FOS	Federal Office of Statistics	IDPs	Internally Displaced Persons
FSP	Family Support Programme		
		IECD	Integrated Early Child Development
FTS	Federation \teachers Scheme		
GEP	Girls Education Project	IEP	Individualised Education Programme
GER	Gross Enrollment Rate		
		IFAS	Internal First Aid Society
GHAIV	Global HIV/AIDS Initiative Nigeria	IHRC	Islamic Human Rights Commission
GIFMIS	Government Integrated Financial Management Information System	ILO	International Labour Organisation
HAHAI	Hope Alive Health Awareness Initiative	IMCI	Integrated Management of Childhood Illness
HCT	HIC Counseling and Testing	INEC	Independent National Electoral Commission
HIV	Human Immunodeficiency Syndrome		

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INSTRAW	International Research and Training Institute for Advancement of Women	MOG	Millennium Development Goals
	International Convention on the Protection of the Rights of Migrant Workers and Members of their Families	MPCDSR	MaternalPerinatal and Child Death Surveillance and Response
IOM	International Organisation for Migration	MTCT	Mother to Child Transmission
IPOB	Indigenous People of Biafra	NACA	National Agency for the Control of HIV/AIDS
IPPIIS	Integrated Personnel and Payroll Information System	NACCRAN	National Council of Child Rights Advocates of Nigeria
IRS	Indoor ResidualSpraying	NACHE	National Advisory Committee on Home Economics
JJA	Juvenile Justice Administration	NACHIFEST	National Children’s Festival for Arts and Culture
JONAPWD	Joint National Association of Persons with Disabilities	NACRDB	National Agricultural Cooperative Rural Development Bank
LACN	Legal Aid Council of Nigeria	NACWIP	National Action Committee on Women in Politics
LACVAW	Law on Violence against Women	NAFDAC	National Agency for Food and Drug Administration
LEDAP	Legal Defence and Assistance Project	NANW	Nigerian Association of Nurses and Midwives
LEEDS	Local Economic Empowerment and Development Strategy	NAPEP	National Poverty Eradication Programme
LFN	Law of the Federal of Nigeria	NAPHAD	Nigerian Association for Promotion of Adolescent Health and Development
LGPI	Literacy Gender Parity Index	NAPTIP	National Agency for the Prohibition of Trafficking in Person
MAMSER	Mass Mobilisation for Social Justice, Self-Reliance and Economic Recovery	NAWSTEM	Nigerian Association for Women in Science, Technology and Mathematics
MDAs	Ministries, Departments and Agencies	NBA	Nigeria Bar Association
MICS	Multiple Indicator Cluster Survey	NCA	National Council of Agriculture
MMR	Maternal Mortality Ratio		
MNCH	Maternal, Neonatal and Child Health		

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NCAAC	National Council for Arts and Culture	NFE	Non-Formal Education
NCCC	National Consultative and Coordinating Committee	NFVCB	National Film and Video Censors Board
NCE	Nigerian Certificate in Education	NGOs	Non-Governmental Organisations
NCFN	National Commission on Food and Nutrition	NGOs	Non-Governmental Organization
NCMM	National Commission for Museums and Monuments	NHIS	National Health Insurance Scheme
NCNE	National Commission for Normadic Education	NHRC	National Human Rights Commission
NCoS	Nigerian Correctional Services	NICO	National Institute for Cultural Orientation
NCOS	Nigerian	NID	National Immunisation Day
NCRIC	National Child Rights Implementation Committee	NLC	Nigeria Labour Congress
NCW	National Commission for Women	NMA	Nigeria Medical Association
NCWD	National Centre for Women's Development	NOA	National Orientation Agency
NCWS	National Council of Women Societies	NPI	National Programme on Immunisation
NDDS	Nigeria Demographic Data Survey	NPoPC	National Population Commission
NDE	National Directorate of Employment	NPRC	National Political Reform Conference
NDHS	National Demographic and Health Survey	NPS	Nigeria Prison Services
NDRP	National Disaster Response Plan	NPS	Nigeria Prison Service
NEEDS	National Economic Empowerment and Development Strategy	NRC	National Republican Convention
NEMA	National Emergency Management Agency	NREC	Nigerian Inter-Religious Council
NER	Net Enrollment Rate	NSC	National School Census
		NSHDP	National Strategic Health Development Plan
		NSS	National Security Strategy
		NTI	National Teachers Institute

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NTTE	National Technical Team of Experts	PENGASSAN	Petroleum and Natural Gas Senior Staff Association
NUPENG	National Union of Petroleum and Natural Gas Workers	PGDE	Post Graduate Diploma in Education
NWG	National Working Group	PHC	Primary Health Care
NWLR	Nigeria Weekly Law Report	PI	Paradigm Initiative
NYSC	National Youth Service Corps	PONC	Progress of the Nigerian Child
OAU	Organisation of African Unity	PRC	Provisional Ruling Council
OAU	Organisation of African Unity	PWDs	Persons with Disabilities
OFDC	OVC Fund Disbursement Committee	RMNCAEH+N	Reproductive, Maternal, Newborn, Child, Adolescent and Elderly Health Plus Nutrition
OGP	Open Government Partnership	SAPA	Situation and Policy Analysis
OHCHR	Office of the High Commissioner for Human Rights	SARS	Special Anti-Robbery Squad
OMPADEC	Oil Mineral Producing Areas Development Commission	SBMC	School Based Management Committees
OND	Ordinary National Diploma	SBMCs	School Based Management Committees
OPD	Office of the Public Defender	SDP	Social Democratic Party
ORPS	Operation Reach all Primary Schools	SEEDS	State Economic Empowerment and Development Strategy
ORSS	Operation Reach all Secondary Schools	SMOH	State Ministry of Health
ORT	Oral Rehydration Therapy	SOGON	Society of Gynecologists and Obstetricians of Nigeria
OVC	Orphans and Vulnerable Children	SOP	Standard Operational Procedure
PATWA	Prevention of Trafficking in West Africa	SPG	Sustainable Development Goals
PCRRU	Police Complaints Rapid Response Unit	SPHCDA	State Primary Health Care Development Agency
PCVE	National Action Plan for Preventing and Countering Violent Extremism	SSG	Secretary to State Government
		STD	Sexually Transmitted Diseases
		STUMEC	Student Mentoring and Counseling

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STUP	Special Teachers' Upgrading Programme	UNICEF	United Nations International Children's Emergency Fund
SURE-P	Subsidiary Re-investment and Empowerment Programme	UNIFEM	United Nations Development Fund for Women
THRIN	Trans and Intersex People for Human Rights in Nigeria	UNTOC	United Nations Transnational Organised Crime Convention
TIERS	The Initiative for Equal Rights	USAIDS	United States Agency for International Development
TOR	Terms of Reference	USD	United States Dollars
TOTs	Training of Trainers	VAD	Vitamin A Deficiency
TPA	Terrorism Prevention Act	VAPP	Violence Against Persons Prohibition Act
TRCN	Teachers Registration Council of Nigeria	VPDs	Vaccine Preventable Diseases
TSA	Treasury Single Account	VVF	Vesicovaginal Fistula
U5-MR	Under-Five Mortality Rate	WACOL	Women's Aid Collective
UBE	Universal Basic Education	WARDC	Women Advocates Research and Documentation Centre
UHC	Universal Health Coverage	WASH	Water Sanitation and Hygiene
UN	United Nations	WEI	Women Enabled International
UNCAT-UN	Convention against Torture, Cruel, Inhuman and Degrading Treatment or Punishment	WHER	Women's Health and Equal Rights Initiative
UNDP	United Nations Development Programme	WHO	World Health Organisation
UNDP	United Nations Development Programme	WIA	Women in Agriculture
UNDS	United Nations Development System	WOFEE	Women Fund for Economic Empowerment
UNESCO	United Nations Educational, Scientific and Cultural Organisation	WOTCLEF	Women Trafficking and Child Labour Eradication Foundation
UNFPA	United Nation Population Fund	WRAPA	Women's Rights Advancement and Protection Alternative
UNGASS	United Nations General Assembly		

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INTRODUCTION

1.0 Background

Nigeria is a member of the United Nations and a signatory to the relevant human rights treaties and conventions, some of which it has ratified. It has domesticated most of these treaties and conventions, including some of the optional protocols. The table below presents the treaties and conventions Nigeria has signed and ratified, together with the dates of signature and ratification.

S/N	TREATY	SIGNATURE DATE	DATE OF RATIFICATION
1.	Convention against Torture (CAT)	28 July, 1988	28 June, 2001
2.	Optional Protocol on Convention against Torture (CAT-OP)	Not Available	27 July, 2009
3.	International Covenant on Civil and Political Rights (CCPR)	Not Available	29 July, 1993
4.	Convention for the Protection of All Persons from Enforced Disappearance (CED)	Not Available	27 July, 2009
5.	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	23 April, 1984	13 June, 1985
6.	International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	Not Available	16 October, 1967
7.	International Covenant on Economic, Social and Political Right (CESCR)	Not Available	29 July, 1993
8.	International Convention on the Protection of the Rights of Migrant Workers and Members of their Families (CMW)	Not Available	27 July, 2009
9.	Convention of the Rights of the Child (CRC)	26 January, 1990	19 April, 1991
10.	Optional Protocol on Convention on Rights of the Child on the Involvement of Children in Armed Conflicts (CRC-OP-AC)	08 September, 2000	25 September, 2012
11.	Optional Protocol on Convention on the Rights of the Child on the Sales of Children, Child Prostitution and Child Pornography (CRC-OP-SC)	08 September, 2000	27 September, 2010
12.	Convention on the Rights of Persons with Disabilities (CRPD)	30 March, 2007	24 September, 2010

In order for Nigeria to become a party to a treaty, it must express its consent to be bound by the treaty. Such consent can be expressed in a variety of ways, including through signature of the treaty. The general practice is that states often express their consent to be bound by a treaty through a separate act of ratification that is carried out after signature. When a treaty is subject to discretionary ratification after signature, the signature is referred to as a 'simple signature,' whereas a signature that indicates consent to be bound is referred to as a 'definitive signature'. Overall, signature is a means of authentication and expresses the willingness of the signatory state to continue the treaty-making process. The signature qualifies the signatory state to proceed to ratification, acceptance or approval. It also creates an obligation to refrain, in good faith, from acts that would defeat the object and the purpose of the treaty.¹

Unlike signature, ratification takes place after approval has been granted under a state's own internal procedures. The institution of ratification grants states the necessary timeframe to seek the required approval for the treaty at the domestic level and to enact the necessary legislation to give domestic

¹Arts.10 and 18, Vienna Convention on the Law of Treaties 1969;
https://treaties.un.org/pages/overview.aspx?path=overview/glossary/page1_en.xml#:~:text=The%20signature%20qualifies%20the%20signatory,the%20Law%20of%20Treaties%201969%5D- Accessed 8/5/2022

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effect to that treaty.²In addition to signature and ratification of several treaties and conventions, Nigeria has acceded to the Individual Complaints, Inquiry and Interstate Procedures for some of the treaties and conventions. The Inquiry Procedure are investigative mechanisms into violations of, or failure to comply with any provision of a treaty or convention. It aims at addressing grave or systematic violations of any of the rights established in the treaty or convention.³Nigeria has accepted the Inquiry Procedures of the below mentioned Treaties and Conventions.

S/N	TREATIES	DATE OF ACCEPTANCE
1.	CAT, Art.20 – Inquiry procedure under the CAT	28 June, 2001
2.	CED, Art. 33 – Inquiry procedure under CED	22 July, 2009
3.	CEDAW-OP, Art 8-9 -m Inquiry procedure under CEDAW-OP	22 November, 2004
4.	CRPD-OP, Art. 6-7 – Inquiry procedure under CRPD-OP	24 September, 2010

Having also accepted the individual Complaints Procedure, Nigeria is open to a formal process by which an individual or, in some cases, a group of individuals, can bring a complaint against Nigeria to the treaty body associated with the treaty. The individual (or group) could claim that Nigeria has violated his or her (their) individual (group) rights under the treaty.⁴Nigeria has accepted the Inquiry Procedures for the Optional Protocols to the conventions listed in the table below.

S/N	TREATIES	DATE OF ACCEPTANCE
1.	Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	22 November, 2004
2.	Optional Protocol to the Convention on the Rights of Persons with Disabilities	24 September, 2010

On the other hand, the Interstate Communication Procedure is a formal process by which Nigeria can make complaints of violations against another country to the Treaty Bodies. As at date, Nigeria had accepted only the interstate communication procedure for CED so far.

S/N	TREATIES	DATE OF ACCEPTANCE
1.	CED, Art. 32 – Interstate communication procedure under CED	27 July, 2009

Nigeria, like all UN Member States that are signatories to the treaties and conventions, is required to submit periodic State Party reports to the relevant Treaty Bodies of the Human Rights Council for consideration and assessment of the level of implementation of the treaty obligations. In addition to the State Party reports, there are usually shadow reports from civil society organisations which are also considered by the treaty bodies to cross-check the veracity of State Party reports. Following the consideration of the State Party reports and the shadow reports, observations and recommendations are made by Treaty Bodies and Committees of Experts of the respective treaties.

This Compendium, chronicles and brings together in one document Nigeria's reports to the Treaty Bodies and the recommendations and concluding observations issued by the Treaty Bodies to Nigeria.

²Arts.2 (1) (b), 14 (1) and 16, Vienna Convention on the Law of Treaties 1969;

https://treaties.un.org/pages/overview.aspx?path=overview/glossary/page1_en.xml#:~:text=The%20signature%20qualifies%20the%20signatory,the%20Law%20of%20Treaties%201969%5D - Accessed 8/5/2022

³<https://www.ohchr.org/en/treaty-bodies/crpd/inquiry-procedure#:~:text=About%20Treaty%20Bodies,-Overview&text=The%20inquiry%20procedure%20may%20be,violated%20by%20a%20State%20party.> – Accessed 8/5/2022

⁴http://www.bayefsky.com/complain/9_procedures.php#:~:text=A%20complaints%20procedure%20is%20a,individual%20rights%20under%20the%20treaty. – Accessed 8/5/2022

Chapter Two

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

2.0 Introduction

The International Covenant on Civil and Political Rights (ICCPR) and its two Optional Protocols, together with the International Covenant on Economic Social and Cultural Rights, and the Universal Declaration of Human Rights are collectively known as the International Bill of Rights. The ICCPR was adopted by the United Nations General Assembly on 19 December 1966, and came into force on 23 March 1976. Nigeria ratified the Covenant on 29 July 1993.

The ICCPR aims to ensure the protection of civil and political rights. It recognises the inherent dignity of man and undertakes to promote conditions within states to allow the enjoyment of civil and political rights. Countries (including Nigeria) that have ratified the Covenant are obligated "to protect and preserve basic human rights...and put in place administrative, judicial, and legislative measures in order to protect the rights enshrined in the treaty and to provide an effective remedy."⁵ There are currently 74 signatories and 168 parties to the ICCPR.

The ICCPR spans the following issues and rights: The equality of rights between men and women - Article 3; Declaration of public emergency - Article 4; Limitation by law - Article 5; Right to life - Article 6; Freedom from torture - Article 7; Right to not be enslaved - Article 8; Right to liberty and security of the person - Article 9; Rights of detainees - Article 10; Right to not be imprisoned merely on the ground of inability to fulfil a contractual obligation - Article 11; Freedom of movement and choice of residence for lawful residents - Article 12; Rights of aliens - Article 13; Equality before the courts and tribunals (Right to a fair trial) - Article 14; No one can be guilty of an act of a criminal offence which did not constitute a criminal offence - Article 15; Right to recognition as a person before the law - Article 16.

Others are freedom from arbitrary or unlawful interference - Article 17; Right to freedom of thought, conscience and religion - Article 18; Right to hold opinions without interference - Article 19; Propaganda for war shall be prohibited by law - Article 20; Right of peaceful assembly - Article 21; Right to freedom of association with others - Article 22; Right to marry - Article 23; Children's rights - Article 24; Right to political participation - Article 25; Equality before the law - Article 26; Minority protection - Article 27,

The two optional protocols to the ICCPR which give additional human rights protections are as follows: First Optional Protocol - This protocol allows petitions by victims of alleged human rights violations to be heard. The Human Rights Committee (Committee), which is established by the Covenant, has the jurisdiction to receive, consider and hear complaints from victims. The first Optional Protocol came into force with the Covenant. There are currently 35 signatories and 115 parties to this protocol (Nigeria is not one of them). Second Optional Protocol - This protocol aims to abolish the death penalty. It was entered into force on July 11, 1991 and it currently has 37 signatories and 81 parties (Nigeria is not one of the signatories).

2.1 Nigeria's Initial Report

Nigeria's Initial Report to the UN Treaty Bodies on ICCPR was due on 28 October 1994. However, the Report was not submitted until 7 February 1996. The report as submitted was in two parts, Part I General and Part II Implementation of Articles 1-27 of the Covenant. The report presented general administrative and geopolitical information about Nigeria and highlighted the provisional report of

⁵ <https://ccla.org/privacy/surveillance-and-privacy/summary-international-covenant-on-civil-and-political-rights-iccpr/#:~:text=As%20mentioned%20above,protected%20by%20submitting-> Accessed 8/8/2022

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the census conducted in all the 30 States and the Federal Capital Territory (FCT). The population of Nigeria was put at 88,514,501 (males 44,544,531 and females 43,969,970).

According to the report, all rights provided in the Covenant are recognised in the Constitution of the Federal Republic of Nigeria (CFRN) and protected under Chapter IV of the 1979 Constitution, as amended, which provided for the protection of fundamental human rights in Nigeria. This is in tandem with the rules of procedures for the realisation of almost all the rights contained in the Covenant which is the Fundamental Human Rights Enforcement Procedures Rules, 1979.

The report also emphasised that in furtherance of the above, all provisions of the Covenant that are enshrined in the Constitution of the Federal Republic of Nigeria (CFRN) are enforceable in Nigerian courts, as in the case of *Ogugu vs. State (1994)*. They are also manifest in Municipal laws such as the African Charter on Human and People's Rights (Ratification and Enforcement Act), Cap10, Laws of the Federation of Nigeria.

It was cited that judicial authorities and competent administrative institutions have been directed to give recognition to the enjoyment of human rights, and that remedies are provided under the law for those whose rights are violated. Compensations are also provided in respect of immovable property compulsorily acquired by the government. In presenting the steps taken by Nigeria so far to implement Articles 1 – 27 of the International Covenant on Civil and Political Rights, the country cited her intervention in the struggle for the liberation of Angola, Mozambique, Zimbabwe and Namibia, as well as the eradication of apartheid in South Africa as its commitment to the right to self-determination.

The report also mentioned that Nigeria recognises the right to property and its disposal and that the government pays compensation for the acquisition of property in public interest, as provided in Section 4 of Decree No. 11 of 1992. The report stated that all the freedoms enunciated in article 2 of the covenant are guaranteed to all citizens without discrimination. To buttress this, Nigeria cited the case of *Dr. Olu Onagoruwa v. Inspector-General of Police (1991)*, where the Court of Appeal held that section 4 of the Nigerian Police Act, which gives the police wide powers, is not a license to be used against the citizens of the country, and that the police was guilty of infringing the right of Dr. Olu Onagoruwa, even though the police were performing their official duty. It was emphasised that the Government obeyed that order.

A notable highlight of the report is the establishment of the Oil Mineral Producing Areas Development Commission (OMPADEC), and the increment of the special fund for the oil-producing areas from 1.5 per cent to 3 per cent of the Federal Account. This, it was emphasised, was to foster national integration, while the issue of oil spillage and environmental degradation was also addressed. Other areas where the state party report gave Nigeria a good scorecard was on Article 3 relating to equality of rights between men and women. The report established that the Constitution of the Federal Republic of Nigeria made adequate provisions for equality of women. However, in practice, discrimination continued, as the ratio of women holding governmental positions was minimal.

Out of the 36 ministerial positions in the Federal Government, three were occupied by women. This notwithstanding, strenuous efforts were being made to elevate the status of women. The Better Life for Rural Women programme was established to enhance the status of women in rural areas in particular. At the same time, the National Commission for Women was set up by the Government to cater exclusively for women. In addition, the Family Support Programme of the First Lady, Mrs. Mariam Abacha, had culminated in the establishment of the Ministry of Women's Affairs and Social Welfare, amongst others.

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On Article 4 of the Declaration of public emergency, it was reported that the provisions of Nigerian law recognised and made adequate allowances for situations that may arise at times of emergency. The purpose of a state of emergency being to protect public safety, public order, public morality, public health and national defence, also included attempts by the Government to protect the rights and freedom of other persons, as provided for in section 4 (1) (a) and (b) of the 1979 Constitution of the Federal Republic of Nigeria, 1979, as amended.

The first party report of the country also declared that the "Federal Republic of Nigeria adheres to the provision in article 5, paragraph 2, that there shall be no restriction upon or derogation from the fundamental rights recognised in the Nigerian Constitution, Chapter IV of which states "the obligation on any State group or person not to engage in any activity or perform any act aimed at the destruction of rights and freedoms recognised in the Covenant". This, it said, had led to the emergence of many human rights groups, examples being the Campaign for Democracy, the Civil Liberties Organisation, the Committee for the Defence of Human Rights, among others, and the establishment of the National Human Rights Commission

On Article 6 on Right to life, the report maintained that the right to life, which forms the basis of the entire range of human rights, is the subject of section 30 of the Nigerian Constitution, 1979 which provided inter alia that "Every person has right to life and no one shall be deprived intentionally of his life except in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria". It is also noteworthy to mention that the report cited The Children and Young Persons Act of Nigeria 1959, which became incorporated into the Laws of the Federation 1990, and which abolished the death penalty for persons under the age of 18, while the Criminal Code Act abolished death sentences on pregnant women and persons of unsound mind.

With respect to protection from torture in Article 7, the report remarked that under the Constitution of the Federal Republic of Nigeria, the provisions of article 7 were prescribed in section 31 of the 1979 Constitution of the Federation as amended. It further emphasised that although Nigeria was not a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at the time, legislative and other measures had been put in place to ensure the enforcement of this constitutional principle. The case of *R. v. John Agaragariga Itule* (1961) and section 28 of the Evidence Act) were cited to show that any evidence obtained forcefully by torture would be disregarded in court and treated as information obtained under duress. In this regard, the report cited Section 251 of the Nigerian Penal Code, which provides that "voluntarily causing hurt to extort confession or to compel restoration of the property is a criminal offence".

The report also stated that Section 15 of the Nigerian Prisons Regulation stipulates that "Male and Female prisoners shall be confined in separate parts of the prison" while section 16 stipulates that "The prisoners of each sex shall as far as the prison accommodation renders it practicable, be divided into distinct classes. The Constitution also guaranteed them access to lawyers of their choice, doctors and family members. In relation to Article 8 on protection from slavery and servitude, it was reported that slavery, the slave trade held in servitude and forced or compulsory labour are absolutely prohibited in Nigeria by section 31 (b) and (c) of the 1979 Constitution of the Federal Republic of Nigeria as amended, as well as the Criminal Code Act, Cap 77, Laws of the Federation of Nigeria 1990, which provided for imprisonment for a term of 10 years for any person involved in slave dealing or deprivation of personal liberty.

Reporting on Article 9 on right to liberty and security of the person, it was stated that the Constitution of Nigeria, 1979, as amended guaranteed every person his personal liberty without deprivation, and where the deprivation becomes absolutely necessary, it must be in accordance with the law and dictates of the necessity of the moment. The case of *Obolo v. The Commissioner of Police (1989)* where the court held that it is the duty of the person arresting or exercising public authority to

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restrict the liberty of the citizen and to show that his actions are in accordance with the law of the land, was cited to buttress this. On protection from inhuman treatment (Article 10), the First State Party Report of Nigeria maintained that Nigeria "accepts the principles and objectives set out in article 10" and that Section 31 (1) of the Constitution of the Federal Republic of Nigeria which states that "every individual is entitled to respect for the dignity of his person", provided safeguards against inhuman treatment. It was also reported that the Prisons Act, Cap 366 Laws of the Federation of Nigeria 1990, and the Prisons Regulations Act adopt the import of article 1, and that persons deprived of their liberty were accorded humane treatment.

On protection from imprisonment on failure to fulfil contractual obligation (Article 11) the state party report asserted that Section 32 of the Constitution of the Federal Republic of Nigeria protects the individual's personal liberty. A person can be sent to prison only for a criminal offence and in accordance with the provision stipulated by law. A person cannot be sent to prison for failure to comply with a contractual obligation. Thus, under the laws of the Federal Republic of Nigeria, there are no provisions for imprisonment merely on the ground of a person's inability to fulfil a contractual obligation provided that such inability was not aimed at perpetrating fraud or forgery which might constitute an offence punishable under the Criminal and Penal Code of Nigeria. Fraud and forgery are, however, punishable under Decree No. 20 of 1984 (Miscellaneous Offences Decree), as well as Sections 419, 427 and 434 of the Criminal Code Act. There is also the Money Laundering Decree No. 3 of 1995, amongst others.

Reporting on the protection of freedom of movement (Article 12) it stated that Section 38 (1) of the Nigerian Constitution 1979 as amended guarantees freedom of movement of the individual, as follows: "Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom". Freedom of movement was thus given constitutional recognition and the right to choose one's residence was treated as part of the fundamental rights of the Nigerian citizen. There were however, the Public Order, Public Health Order, and the Public Morality Order put in place to supposedly protect national security and the rights of others.

On deportation of aliens (Article 13), it was reported in its initial state party report that the position of non-Nigerian citizens resident or temporarily present in Nigeria is widely provided for in the Immigration Act of Nigeria as well as the Constitution of the Federal Republic of Nigeria, 1979 (as amended). However, the Nigerian Government may order the expulsion from Nigeria of a non-citizen, in line with conditions for deportation as provided in article 13 of the covenant. It was also reported that the provisions of article 14 on equality before the law had been given constitutional recognition in various sections of the Nigerian Constitution 1979, particularly sections 32 and 33. The Nigerian Constitution, 1979 provided a strict separation of the powers between the judiciary, the legislature and the executive arms of government.

The provision of article 14 (1) of the Covenant which deals with the trial of offenders was fully recognised in Nigeria. Section 33 (3) of the Nigerian Constitution, 1979 provided that trials by any court or proceedings of any tribunal shall be held in public. The provisions of Article 14 (2) of the Covenant were replicated in section 33 (5) of the Nigerian Constitution. This subsection of the Constitution provided that "Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved guilty". The report also covered issues of language and interpretation, juveniles before the law, etc., and asserted Nigeria's full compliance with the provisions of section 14 of the covenant.

Responding on the prohibition of retroactive application of criminal laws (Article 15) the report stated that the provisions of article 15 had been given constitutional recognition and protection in section 33 (8), (10), (11) and (12) of the Nigerian Constitution, 1979. The report made particular reference

to Section 33 (8) of the Constitution which provided that "No person shall be held to be guilty of a criminal offence on account of any act or omission that did not at the time it took place constitute such an offence and no penalty shall be imposed for any criminal offence heavier than the penalty in force at the time the offence was committed".

The report maintained that the Constitution of the Federal Republic of Nigeria recognised the right of every person before the law. These rights are accorded to a child before his birth. Thus, according to the report, sections 232 to 236 of the Penal Code of Nigeria, Cap 89, Laws of Northern Nigeria 1963, forbids any injury that may be inflicted on a pregnant woman that may have an effect on the child in the womb and deal with other rights of a child yet unborn. A citizen's legal capacity shall arise at the time of his birth and shall be terminated by his death. Similarly, a citizen's capacity to acquire civil rights and create civil obligations for himself by his own action shall arise in full on the attainment of majority (the legal age to act in Nigeria is 18 years).

According to the state party report, the purport of article 17 is enshrined in section 34 of the Constitution of the Federal Republic of Nigeria 1979, as amended, "the privacy of citizens, their names, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected". Also, section 41 (1) of the Constitution provided that "No one shall have the right without a lawful reason to enter a dwelling against the will of the persons living in it". According to the report, the exceptions were in the acquisition of property by the government for overriding public interest, and the invasion of correspondence, telephone conversations and telegraphic communications at the instance of the Government for the interest and security of the Government.

On protection of freedom of thought, conscience and religion (Article 18) it was reported that Section 35 of the Constitution of the Federal Republic of Nigeria enumerated extensively the provisions of article 18 as follows: "Every person shall be entitled to freedom of thought, conscience and religion, including (either alone or in community with others and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance. It was also asserted that "these rights are absolute for every citizen of Nigeria and no Government or parent, either directly or by statute, has ever attempted to control the absolute right of conscience and religion". The report also pointed out that "in Nigeria, everyone had the right to hold opinions without interference. Everyone also had the right to freedom of expression and to seek, receive and impart information and ideas as they wish".

The Constitution of the Federal Republic of Nigeria, the report maintained, guaranteed these rights as absolute by virtue of section 36 of the Constitution which states that "Every person shall be entitled to freedom of expression, including the freedom to hold opinions and to receive and impart ideas, information without interference." As contained in the report and "to ensure the realisation of the provisions of article 20 on prohibition of propaganda for war, national, racial or religious hatred, the Federal Government of Nigeria promulgated the Federal Military Government Supremacy and Enforcement of Power Decree No. 12 of 1994 which empowered the Federal Government to muster all efforts at the disposal of the nation to ward off any propaganda of war and to promote peace throughout the Federation".

The power to ensure absolute peace and to prohibit any propaganda for war was provided in section 6 (5) of the Constitution, Suspension and Modification Decree No. 107 of 1993. This section dealt with the executive authority of the Federal Republic of Nigeria with respect to the responsibility to maintain absolute peace, law and order devoid of the propaganda for war. In direct compliance with the provisions of article 20, the Federal Military Government of Nigeria has passed several decrees under which various tribunals have been set up on an ad hoc basis to deal with any incident of hostility or violence in any part of the country.

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According to the report, the right to peaceful assembly under Article 21 was recognised and guaranteed under section 37 of the Nigerian Constitution, 1979. There were, however, restrictions that exist to regulate and control assemblies. The restrictions are principally aimed at providing a means for the maintenance of public order and public health protecting the rights and freedoms of persons not taking part in a particular assembly. It was further asserted that all persons in Nigeria were free to organise and participate in assemblies except to the extent to which the law may restrict this. On protection of the right of freedom of association (Article 22), in its first state party report, affirmed that in accordance with the provisions of articles 21 and 22 of the Covenant as contained in section 37 of the Constitution of the Federal Republic of Nigeria 1979, there were no restrictions in Nigeria on the right to freedom of association except in exceptional cases. Government, for instance, imposed restrictions on persons employed in the public service or civil servants in relation to the enjoyment of this freedom.

According to the report, the provisions of article 23 of the Covenant were fully reflected in the Constitution of the Federal Republic of Nigeria 1979. Section 34 of the Constitution of Nigeria provided that, "The privacy of citizens, their homes, correspondences, telephone conversations and telegraphic communications are hereby guaranteed and protected". By this provision, the confidentiality of a family is protected by the State. The report maintained that the Federal Republic of Nigeria recognised the full intent of article 24 and accorded children their full rights in society. Particular reference was made to the Children and Young Persons Act and section 4 (1) of the Borstal Institutions and Remand Centres Act, Cap 38, Laws of the Federation of Nigeria 1990. The purpose of the trial of a minor for crimes committed being not to bring the full weight of the law on the child but to reform the child, it also stated.

As presented in the report regarding the right to participate in the affairs of one's country (Article 25) the Constitution of the Federal Republic of Nigeria confers on citizens of Nigeria who have attained majority, on the basis of equality, the right to participate in the management of State and public affairs and in the discussion and adoption of laws and decisions of State. It also reported that the Government of the Federal Republic of Nigeria was making strenuous efforts to return the country to civil rule by setting up various commissions and committees such as: the National Electoral Commission of Nigeria headed by Chief Dagogo Jack; the Transition Implementation Committee headed by Retired Justice Mamman Nassir; the State Local Government Boundary Adjustment Panel headed by Chief Arthur Mbanefo; the National Reconciliation Committee headed by Chief Alex Akinyele; and the Federal Character Commission headed by Adamu Fika.

On non-discrimination (Article 26) the report remarked that the principle that all citizens of the Federal Republic of Nigeria are equal before the law and are guaranteed the observance and unimpeded exercise of all the rights and freedoms provided for in international legal instruments, irrespective of sex, racial and national extraction, religion, state of origin, political convictions and other circumstances, is laid down in many sections of the Constitution of the Federal Republic of Nigeria 1979. It also stated that discrimination against women had been taken care of in Nigeria, and cited the establishment of National Commission for Women which culminated in the establishment of the Ministry of Women Affairs and Social Welfare in 1995, as landmark achievements. Regarding protection from racial discrimination (Article 27) Nigeria's initial state party report on the ICCPR also stated that Nigeria is a multinational country with over 250 ethnic groups resident within 30 states of the Federation, including Abuja. Prior to Nigeria's independence, one of the greatest problems was fear of the minority tribes that the 3 major tribes would overwhelm them and this led to the establishment of the Willink Commission in 1957 to ascertain how to alleviate these concerns.

The Commission reported that the best way to protect the minority tribes and ethnic groups in Nigeria is not to give each of them a state but to accord the individual person all the rights of a

human being and to lift those rights to the status of a fundamental law. This led to the introduction of Fundamental Human Rights in the Nigerian Constitution of 1960 and is contained in sections 18-20. Under the 1979 Constitution, these rights were still treated as fundamental rights and were expanded. A procedure for their enforcement was constitutionally entrenched. Consequently, Nigeria had not adopted any indigenous language as the national lingua franca. Every tribe has its own language and is free to profess and practice that language and its culture in any part of the country⁶.

2.2 Concluding Observations of the Human Rights Committee

In its preliminary concluding observations of Nigeria's initial report, the Human Rights Committee appreciated the decision of the Government of Nigeria to submit its initial report in time for consideration at its 66th session as scheduled. The Committee divided the examination of the report into two parts, namely, the first part on Articles 6, 7, 9 and 14, and the second part on the remaining articles of the Covenant. The first part was considered at the 1494th and 1495th meetings of the Committee held on 1 April 1996 and the following preliminary observations and urgent recommendations were made. Principal concerns in respect of articles 6, 7, 9 and 14: The Committee noted fundamental inconsistencies between the obligations undertaken by Nigeria under the Covenant to respect and ensure rights guaranteed under the Covenant and the implementation of those rights in Nigeria. In particular, the incommunicado detention for an indefinite period and the suppression of habeas corpus were cited as constituting violations of article 9 of the Covenant. The establishment by presidential decree of several types of special tribunals, including their composition and rules of procedure which exclude the free choice of a lawyer, and the absence of any provisions for appeals, were also mentioned as constituting violations of rights provided under article 14 of the Covenant, as well as violations of article 6, paragraph 1, and article 6, paragraph 2, of the Covenant when a sentence of death is pronounced.

It was noted that the failure to respect these guarantees had led to the arbitrary deprivation of life of Mr. Ken Saro Wiwa and the other accused. There appears to have been no serious investigations into allegations of torture, ill-treatment or conditions of detention, which raise serious issues under article 7 of the Covenant. The following urgent recommendations were therefore made: - That all the decrees establishing special tribunals or revoking normal constitutional guarantees of fundamental rights or the jurisdiction of the normal courts (such as State Security (Detention of Persons) Decree No. 2 of 1984, the Federal Military Government (Supremacy and Enforcement of Powers) Decree No. 12 of 1994, Civil Disturbances (Special Tribunal) Decree No. 2 of 1987, Treason and Other Offences (Special Military Tribunal) Decree No. 1 of 1986) which violate some of the basic rights under the Covenant, be abrogated and that any trials before such special tribunals be immediately suspended.

That urgent steps be taken to ensure that persons facing trials are afforded all the guarantees of a fair trial as explicitly provided in article 14 (1), (2) and (3) and to have their conviction and sentence reviewed by a higher tribunal in accordance with article 14 (5) of the Covenant. The Committee requested the Government of Nigeria to inform the Committee at the resumed consideration of the report in July 1996 of the steps taken to implement the above recommendations.⁷

The committee at its resumed sitting in July 1996, acknowledged the resumption of dialogue with the government of Nigeria through a high-ranking delegation that included members of the newly established National Human Rights Commission. The committee noted the measures that had been taken by the government since the 56th session to overcome some obstacles to the enjoyment of rights which were identified by the committee. The following were particularly mentioned: The enactment of the Civil Disturbances (Special Tribunal) (Amendment) Decree which removed military

⁶Treaty bodies Download (ohchr.org)CCPR/C/92/Add.1 – Accessed 8/29/2022

⁷Treaty bodies Download (ohchr.org)CCPR/C/79/Add.64 - Accessed 8/11/2022

personnel from the Civil Disturbances Tribunal and provided for the right of appeal from its sentences and convictions.

The repeal of Decree No.14 (which precluded courts from issuing writs of habeas corpus) by the State Security (Detention of Persons) (Amendment) (No 2) (Repeal) Decree, adopted on 7 June 1996; The adoption of Decree No.22 of 1995 establishing the National Human Rights Commission in 1995 which had been given certain responsibilities regarding the promotion and protection of human rights; The establishment of the Ministry of Women Affairs and Social Welfare, as well as measures taken to promote the participation of women at all levels of the political, economic, and social life of the country; The willingness of the Nigerian Government to undertake an analysis of the legal system in the light of its obligations under the Covenant, and to seek technical assistance from the Centre for Human Rights in that regard.

The positive measures notwithstanding, the committee noted with deep concern that measures had not been adopted to address all the issues of concern identified by the committee at its 56th Session and to implement the urgent recommendations in its preliminary concluding observations (in paragraph 2.5 above). In particular, the committee was concerned that the government of Nigeria had not abrogated the Decrees establishing special tribunals or those revoking normal constitutional guarantees of fundamental rights as well as the jurisdiction of the normal courts. The committee frowned at the statement of the delegation that the decrees were not to be abrogated because they pre-dated the entry into force of the Covenant in Nigeria, and were an essential part of military rule in Nigeria. The Covenant precluded measures derogating from the state party's obligations, other than in the limited circumstances provided for by article 4 which had not been applied in the case of Nigeria.

The Committee expressed grave concern that the continuation of Military Government and rule by Presidential Decrees which suspend or override constitutional rights and which are not open to review by the courts are incompatible with the effective implementation of the Covenant. The Committee noted that there remained fundamental inconsistencies between the obligations undertaken by Nigeria to respect and ensure rights guaranteed under the Covenant and the implementation of those rights in Nigeria, as follows: There was no legal protection of rights in Nigeria, as a consequence of the non-applicability of the 1989 Constitution and the adoption of Decree No. 107 of 1993 that re-established the 1979 constitution, while excluding the application of the section dealing with basic rights; There was uncertainty as to which rights may be invoked and which were suspended as a result of the number of decrees suspending or restoring previous laws, with exceptions in some cases.

The earlier concern expressed by the Committee in relation to the establishment by decree of special tribunals which operate without observing the requirements of fair trial as required by article 14 of the covenant was yet to be addressed. Under Nigerian law, the death penalty may be imposed for crimes which do not constitute "the most serious offences" as required by article 6 of the covenant and that the number of death sentences passed and actually carried out was very high. The fact that sentences of death were passed without the safeguard of fair trial violated the provisions of articles 14(1) and 6 of the covenant. Public executions were also considered incompatible with human dignity.

No compensation had been offered to victims of the human rights abuses which had already occurred under the previous measures, as a consequence of the introduction of measures to overcome certain specific violations of rights in regard to the composition of the special tribunal and the rights of appeal. The high number of extra-judicial and summary executions, disappearances, causes of torture, ill treatment and arbitrary arrests and detention by members of the army and security forces and the failure of the government to fully investigate those cases, prosecute alleged offences, punish

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those found guilty and provide compensation to the victims or their families. The resulting state of impunity it was asserted, encouraged further violations of Covenant rights.

The poor conditions in places of detention include severe overcrowding, lack of sanitation, inadequate food, clean water and health care, all of which contributed to a high level of death in custody. The Committee emphasised that it was incompatible with the Covenant to hold prisoners under conditions which did not meet the basic guarantees provided in article 10 of the Covenant, as well as in the United Nations Standard Minimum Rules for the Treatment of Prisoners, despite the Nigerian Government's adoption of prison regulations, contained in Chapter 366 of the Prison Act (1990). The large number of persons detained without charge, and the lengthy periods of pre-trial detention which were incompatible with article 9 of the covenant. The Committee was particularly concerned that incommunicado detention was commonly ordered and often for indefinite periods and without access to judicial review, in violation of article 9 of the Covenant.

The violations of the rights of freedom of expression, as exemplified by the adoption of a number of decrees suspending newspapers, as well as the arbitrary arrests, detention and harassment of editors or journalists. The extent of restrictions to the freedom of association and assembly in law and practice. The committee was concerned by numerous reports it received according to which members of unions were harassed and intimidated, sometimes even arrested and detained, and that the dissolution of certain unions had been ordered by the government. The arrest and detention of officers of human rights organisations, involving violation of articles 9 and 22 of the covenant and interfering with the free exercise of the significant role played by such organisations in the protection of human rights.

The allegations by a Nigerian non-governmental organisation (Civil Liberty Organisation) that two of its officials were prevented by the State Security Service from attending the Fifty-sixth Session of the Committee and had their passports impounded. The Committee regretted that despite a letter by the chairman giving details of these allegations, an investigation was not completed before the Fifty-seventh session and that no information could be provided about the circumstances alleged. It was asserted that preventing persons from leaving their country violated article 12(2) of the Covenant and preventing them from leaving in order to attend meetings of the committee, was incompatible with the state's obligation to cooperate with the Committee.

The situation of women in Nigeria, particularly as regards their low level of participation in public life and the continued application of marriage regimes which permit polygamy and do not fully respect the equal rights of women. The Committee expressed particular concern about the widespread practices of forced marriage and of genital mutilation of girls. The Committee made the following suggestions and recommendations: That immediate steps be taken to restore democracy and full constitutional rights in Nigeria without delay; That all decrees revoking or limiting guarantees of fundamental rights and freedoms be abrogated. All courts and tribunals must comply with all standards of fair trial and guarantees of justice prescribed by article 14 of the Covenant; That a review of the legal framework for the protection of human rights in Nigeria be undertaken in order to ensure that the principles of the Covenant were incorporated into the legal system and that effective remedies be provided in case of violations of rights; That Decree No. 107 of 1993 and any other measures which abrogated or suspended the application of the basic rights enshrined in the 1979 Constitution, be abrogated, so that the legal protection of these rights was restored in Nigeria.

The Committee recommended that the State party ensured that there was no such abrogation or derogation in future other than in strict compliance with article 4, in time of public emergency which threatened the life of the nation and which was officially proclaimed and communicated to the Secretary-General of the United Nations. That effective measures be put in place to implement the full and equal enjoyment by women of rights and freedoms protected by the Covenant. The

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measures would ensure the equal participation by women at all levels of the political, social and economic life of the country. The Committee recommended that steps be taken, in particular through education, to overcome certain traditions and customs such as female genital mutilation and forced marriages which were incompatible with the equality rights of women. That the abolition of the death penalty be considered by the Nigerian Government, and that until its abolition the application of the death penalty be strictly limited to the most serious crimes as required by Article 6 (2) of the Covenant. The number of crimes for which the death penalty was imposed were also to be reduced to the minimum.

That urgent steps be taken to ensure that persons facing trials were afforded all the guarantees of a fair trial as explicitly provided for in articles 14 (1), (2) and (3) of the Covenant and to have their conviction and sentence reviewed by a higher tribunal in accordance with article 14 (5) of the Covenant. That the Nigerian authorities take effective measures to prevent arbitrary, extrajudicial and summary executions as well as torture, ill-treatment, and arbitrary arrest and detention by members of the security forces, and to investigate any such cases in order to bring before the courts those suspected of having committed or participated in such crimes, to punish them if found guilty, and to provide compensation to victims or to their families.

That urgent steps be taken to release all persons who had been detained arbitrarily or without charges and to reduce the period of pre-trial detention; cessation of the practice of incommunicado detention and provision of compensation in the cases indicated by article 9 (5) of the Covenant. That the State party take all necessary measures to ensure that the conditions of detention of persons deprived of their liberty fully meet article 10 of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners. The overcrowding of prisons was to be reduced by overcoming delays in the trial process by considering alternative forms of punishment, or by expanding the number of prison places.

That the legislation and the practice relating to the exercise of the freedom of expression be revised and amended in order that they would comply with the provisions of article 19 of the Covenant. Measures be taken to ensure that the right to form and join trade unions is respected as required by article 22 of the Covenant and that the plan calling for trade union elections in October 1996 be implemented. That attention be given by the federal and state authorities to the situation of persons belonging to minorities so that their rights as enshrined in article 27 of the Covenant are fully protected. It was emphasised that the consideration of reports submitted under article 40 of the Covenant takes place in public meetings and in the presence of representatives of the State party concerned. Representatives of non-governmental organisations, whether internationally or locally based, are entitled to attend the meetings at which reports are being considered and to provide information to members of the Committee on an informal basis.

The Government of Nigeria was to ensure that individuals (including members of non-governmental organisations) were not prevented from leaving Nigeria to attend the Committee's sessions and was requested to conduct immediate investigations into the allegations mentioned earlier and inform the Committee of the result of the investigations. That the Government of Nigeria should ensure that the National Human Rights Commission (or other agency) take steps to inform and educate the community about the rights and freedoms protected by the Covenant and the Constitution and about the remedies available in case of violation of rights. It should seek the assistance of the Technical and Advisory Services of the United Nations Centre for Human Rights in this process⁸.

⁸Treaty bodies Download (ohchr.org)CCPR/C/79/Add.65 – Accessed 8/17/2022

2.3 List of issues in the absence of the second periodic report of Nigeria -

Countries are required to submit state party reports to the Treaty Body every four years, following their initial report. Nigeria's 2nd State Party Report was due on 28 October 1999. However, after submitting the first state party report in 1996, Nigeria lagged behind in the submission of its second state party report up till November 2018. Accordingly, on 28 November 2018, the Human Rights Committee, in the absence of Nigeria's state party report, considered the human rights situation in Nigeria vis-à-vis the letters and principles of the Covenant. The attendant issues are presented in the subsequent paragraphs.

The Constitutional and legal framework within which the Covenant was being implemented in Nigeria – Clarifications were requested in the following areas: The status of the Covenant in the national legal system and, in particular, whether its provisions could be invoked directly before the courts. Information on the practical application of the provisions of the Covenant in the national legal system, including examples of cases in which the provisions of the Covenant had been referred to by national courts, were also to be provided; The federal structure of the Country - information was to be provided on the measures taken to ensure that both federal and state legislations were in accordance with the Covenant, and steps taken to ensure that the different legal systems (Islamic law, common law and customary law) comply with the Covenant.

That information should be provided on the availability and accessibility of remedies for individuals claiming violations of the rights enshrined in the Covenant and the Constitution. The measures being taken to ensure that information on the Covenant was disseminated among judges, lawyers, prosecutors, law enforcement officials and the public, were also to be specified; That information should be provided on the National Human Rights Commission, specifying the process of selection, appointment and dismissal of its members, its powers, staffing levels, offices outside of the state capitals, budget and the actions it has already taken to protect Covenant rights. Information on other State human rights institutions should be provided specifying the measures to ensure that they had sufficient financial and human resources to carry out their missions.

On the fight against corruption and natural resources management (Arts. 1–2 and 25), information to be provided on the anti-corruption legal framework, on measures to ensure its enforcement and on any other measures aimed at combating corruption that weaken the rule of law and lead to violations of provisions of the Covenant. The measures to ensure transparent management of natural resources, in particular, oil in accordance with art. 1 (2) of the Covenant, were also to be specified. On state of emergency and counter-terrorism measures (Arts. 2, 4, 7, 9 and 14) and with reference to section 305 of the Constitution, Nigeria was requested to provide information on: The legal frameworks governing states of emergency; Report on the conformity of such regulations with article 4 of the Covenant; Clarify whether derogations from non-derogable provisions of the Covenant during states of emergency are explicitly prohibited; Allegations that security forces committed serious human rights violations during the state of emergency in the north-east of the country in the context of counter-terrorism measures against Boko Haram, including extrajudicial executions, enforced disappearances and arbitrary detentions, with reference to the state of emergency declared in May 2013 in the States of Adamawa, Borno and Yobe; The measures taken to investigate and ensure non-repetition of such violations; and the counterterrorism legal frameworks, including the definition of "terrorism" and "terrorist activities" and the legal safeguards for persons suspected of or charged with terrorist activities or related crimes, with reference to the Terrorism (Prevention) Act of 2011.

On non-discrimination (Arts. 2–3, 7, 9, 17 and 26), information to be provided on the national legal framework regarding discrimination. In addition to the Constitutional provisions on discrimination, details of specific laws or other measures that dealt with discrimination in the national system, were

also to be provided. Furthermore, clarification was required as to whether national law: Provides a definition of discrimination that includes a comprehensive list of prohibited grounds of discrimination, including race, colour, property, birth, sexual orientation, gender identity, language, health, social and other status; Covers direct, indirect and intersecting forms of discrimination; and provides for effective judicial and administrative remedies.

The Nigerian Government was also requested to provide information on measures taken to combat and prevent acts of discrimination, stigmatisation and violence specifically against: Persons with albinism; Persons affected by leprosy; Single mothers and children born out of wedlock; Persons belonging to minorities, in particular the Hausa, Igbo and Yoruba;[†] Persons with disabilities, in particular women with disabilities; and Lesbian, gay, bisexual and transgender persons. With regard to the last issue, the Nigerian Government was to indicate whether it intended to revise: (a) section 214 of its Criminal Code, which criminalises sexual acts between persons of the same sex, provides for up to 14 years of imprisonment and assimilates such acts with bestiality; and (b) the Same Sex Marriage (Prohibition) Act of 2014 that prohibits a marriage contract or civil union between persons of the same sex.

The Government was further required to comment on allegations that since the adoption of the Same Sex Marriage (Prohibition) Act, lesbian, gay, bisexual and transgender persons have been subject to increased harassment, threats and mob violence. In addition, comment was required on allegations of torture, sexual violence, arbitrary detention and extortion committed by law enforcement agents on lesbian, gay, bisexual and transgender persons, based on their perceived sexual orientation or gender identity.

On gender equality (Arts. 2–3, 14 and 25–26), information was required on the status and progress made in the adoption of the Gender and Equal Opportunities Bill, as well as the measures taken to enhance the representation of women in political and public life, including senior leadership and decision-making positions. The report was also to indicate the measures being taken to address women's access to justice, education and employment, and their land and property rights. With reference to the work of the Nigerian Law Reform Commission, information was to be provided on the measures aimed at reviewing discriminatory provisions against women, in particular with regard to: (a) the transmission of nationality; and (b) polygamy, repudiation, adultery and inheritance rights in the states that apply sharia law.

With reference to violence against women and harmful practices (Arts. 2–3, 7 and 26), information was to be provided on the measures to ensure its full implementation in all states of the federation and the level of knowledge and understanding of the Act among members of the judiciary, police and general public. Nigeria was also requested to comment on allegations of sexual violence against women and girls, with information on the measures to eradicate impunity for sexual violence, in particular, those measures intended to: (a) Eradicate taboos and women's fear of being stigmatised and encourage victims to file complaints; (b) Provide the police, hospital staff and legal professionals with training on issues related to sexual violence; (c) Assist women victims of violence, in particular by establishing shelters and care facilities; and (d) Address, prohibit and eliminate female genital mutilation, early marriage and other harmful traditional practices, throughout the federation. Furthermore, information on the number of complaints, prosecutions and convictions handed down for those practising female genital mutilation, was required.

In the light of the high maternal mortality and teenage pregnancy rates, the Committee requested an updated statistical data on maternal and infant mortality. Efforts to ensure access to safe and affordable contraceptive methods, as well as to prevent teen pregnancies, were also to be described.

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In addition, Nigerian was to provide information on the measures taken to improve access to health services for pregnant women and respond to allegations that some women seeking maternal health services are detained in hospitals post-delivery or denied access to services owing to failure to pay their bills. The report was also to indicate the estimated annual number of clandestine terminations of pregnancy and indicate whether the State party intends to amend its legislation in order to ensure safe and legal access to abortion in cases in which carrying the pregnancy to term could cause the pregnant woman or girl substantial harm or suffering, especially in cases in which the pregnancy was the result of rape or incest or when it would be non-viable.

Nigeria was requested to indicate the crimes that remain subject to the death penalty, including under sharia law, and provide information on: (a) the steps to ensure that the death penalty, if imposed, is imposed only for the most serious crimes as specified in article 6 (2) of the Covenant, meaning acts of intentional killing; (b) the methods of execution (including, whether stoning is still used); (c) laws imposing mandatory death sentences; and (d) measures to enforce the prohibition of capital punishment in all states for persons who were under the age of 18 when they committed capital offences.

The country was also to comment on the allegation that there were more than 2,000 people on death row, and indicate the number of persons who, in the reporting cycle: (a) had been executed; (b) had been granted pardon, and (c) had been afforded protection under the Vienna Convention on Consular Relations when being sentenced to death abroad. In addition, information was required on the measures in place to review death sentences pronounced in violation of the right to a fair trial, in particular in cases in which forced confessions were used. The report was also to indicate whether steps have been taken towards establishing an official moratorium with a view to abolishing the death penalty and ratifying the Second Optional Protocol, as recommended by the National Study Group on the Death Penalty.

Nigeria was asked to identify and describe the legal standards under national law on the appropriate use of force and firearms by law enforcement and security forces, during arrest, demonstrations, custody, antiterrorism or anti-poaching operations, and any other circumstances in which force may be used. The country was further asked to comment on whether laws on the use of force are in conformity with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990. Comment was requested, in particular, on the compliance of the Criminal Procedure Act of 1945, the Criminal Procedure Code of 1960, the Administration of Criminal Justice Act of 2015 and police order No. 237 with the Basic Principles.

The comment was also required on allegations of brutality among law enforcement agents and of excessive use of force against demonstrators leading to deaths and report particularly on: (a) the alleged killing of more than 150 members and supporters of the Indigenous People of Biafra, during Operation Python Dance, on the occasion of non-violent gatherings between August 2015 and November 2016; and (b) the alleged killing of 350 supporters of the Islamic Movement in Nigeria in response to their barricading of roads blocking the passage of a military convoy in December 2015.

Information was to be provided on: (a) the measures taken to investigate and to ensure prosecution and adequate punishment, and (b) the reparation granted to victims. While further information was to be provided on any measure to ensure the compliance of law enforcement agents with human rights obligations, to fight impunity and to ensure the accountability of all law enforcement agents.

In the light of the long-standing conflict between nomadic cattle herders, in particular the Fulani herders and associated militia, and farmers, notably in the Middle Belt Region, which has led to thousands of deaths and displaced persons, the Nigerian Government was requested to provide information on the measures taken to: (a) ensure safety and security in the region; (b) investigate,

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prosecute and adequately condemn those responsible and ensure the end of impunity for perpetrators; and (c) provide victims, in particular women and children, with the infrastructure for safe shelters. Information was also to be provided on the number of investigations, prosecutions and convictions, and information on the sentences and reparations awarded to victims.

The government was in addition asked to: (a) Respond to allegations that the authorities responsible had received advance warnings of upcoming attacks without taking effective preventive action; and (b) Respond to allegations of excessive use of force by the Nigerian air force, firing rockets at villages in order to counter spiralling communal violence, which led to the death of at least 35 persons and the destruction of at least 3,000 homes. In light of the violence and widespread human rights abuses committed by Boko Haram since 2009 in large parts of the north-east of Nigeria, information was required on the measures taken to strengthen and extend the protection of the civilian population, in particular from: (a) executions and abductions; (b) torture and other cruel, inhuman or degrading treatment; (c) rape and other forms of sexual violence; (d) the use of children in hostilities; and (e) indiscriminate attacks against civilian and protected objects.

Further information was to be provided on the measures to: (a) rescue all of the "Chibok girls" kidnapped in 2014 and all the persons abducted by Boko Haram, including the oil workers abducted in Magumeri in July 2017; (b) ensure that abducted and released persons are not confused with Boko Haram fighters and charged with terrorism offences; (c) assist and rehabilitate abductees, in particular, survivors of sexual violence perpetrated by terrorist groups; and (d) ensure that survivors of sexual violence are not stigmatised.

Nigeria was also asked to indicate all measures to: (a) Ensure that all perpetrators of violations of human rights and international humanitarian law are held accountable; and (b) provide victims with appropriate and effective remedies. In addition, the government was requested to: (a) Respond to allegations that security forces do not consistently deploy in cases in which civilians come under attack by Boko Haram; and (b) Indicate all measures to ensure that the activities of the Nigerian security forces and the Civilian Joint Task Force are in compliance with the Covenant. Furthermore, the Nigerian Government was asked to respond to allegations that, in the course of security operations against Boko Haram, military forces have committed large-scale, serious human rights violations, including: (a) indiscriminate attacks causing civilian casualties; (b) extrajudicial killings; (c) enforced disappearances; (d) arbitrary arrests; (e) acts of torture; (f) deaths in detention; and (g) rape and sexual violence.

In light of the above, information was to be provided on: (a) the investigative measures to identify individuals and apportion responsibility for these violations; (b) the prosecutorial measures and the number, names and ranks of persons convicted, as well as the sentences imposed; and (c) the reparative measures granted to victims.

Following the large number of displaced persons in the country, information was requested to be provided on the legislative, policy and institutional framework for the protection and assistance of internally displaced persons. In this regard, updated information was to be provided on: (a) The national budget devoted to internally displaced persons since 2009; and (b) The number of internally displaced persons in the State party and, specifically, in the camps that welcome such persons.

Information was also needed on all measures aimed at: (a) protecting vulnerable groups, in particular, women and unaccompanied children that appear to be exposed to prostitution, sexual exploitation and survival sex; and (b) ensuring the safe and voluntary return or safe and voluntary reestablishment of internally displaced persons.

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The Nigerian Government was also asked to respond to allegations that: (a) Civilian Joint Task Force members and members of the military are involved in harassment, extortion, exploitation and abuse, including sexual abuse of internally displaced persons; and (b) the Nigerian air force bombed a camp of internally displaced persons in January 2017, killing at least 167 of them. In addition, information was to be provided on the measures to investigate, prosecute and adequately sanction those responsible.

With reference to the Anti-Torture Act of 2017 and the Administration of Criminal Justice Act, Nigeria was asked to provide information on the steps taken to ensure their effective implementation in all states and their wide dissemination, particularly among judges, lawyers and law enforcement agents. Clarification was required as to whether: (a) the use of confessions obtained through torture or other ill-treatment as evidence is prohibited by law and whether this is respected in practice; and (b) provisions for the rehabilitation of victims are contained in the new acts. In addition, response to the allegations that torture was commonly used by law enforcement agents in military and police custody, in particular by the Special Anti-Robbery Squad agents, to extort not only confessions but also money, was required.

With reference to the establishment of the Complaint Response Unit in 2015, the Nigerian Government was asked to provide further information on the measures aimed at: (a) Reinforcing police internal mechanisms in order to prevent and adequately sanction the perpetration of torture; and (b) Ending impunity among law enforcement agents perpetrating torture. Further to the above, data was to be provided on the number of reported cases of torture and ill-treatment during the reporting period; the number of investigations and prosecutions initiated; the number of convictions; the sentences imposed, and the remedies granted to victims. Information was also required on the measures taken to improve detention conditions in police cells, military detention facilities and other places of detention, in particular regarding overcrowding, sanitary conditions, and access to medical care, food and water. In this regard, current data was required on the total prison population and the official prison capacity, disaggregated by facility, and information on measures to address, in particular, overcrowding. Further clarification was needed as to whether: (a) An independent mechanism has been established to regularly monitor and inspect all places of detention, and (b) Whether independent organisations were permitted to monitor conditions of detention.

With regard to the Administration of Criminal Justice Act, the government was requested to clarify whether individuals can be arrested without a warrant and specify the conditions and legal safeguards to limit the abuse of arbitrary arrest by law enforcement agents. It was asked to respond to allegations that: (a) law enforcement officials, as well as Civilian Joint Task Force members, often arbitrarily arrest persons without evidence and request bribes from detainees; (b) the military have detained a large number of women without charge, for alleged links with Boko Haram members; (c) persons were commonly held for lengthy pre-trial detention periods; and (d) persons were detained incommunicado. In this regard, information was required on the whereabouts of Ibrahim El-Zakzaky and his wife, who were arrested in 2015 and who remained in incommunicado detention.

Also, response was required on allegations that: (a) persons are commonly detained for more than 48 hours without appearing before a judge and having an opportunity to challenge the lawfulness of their detention; (b) fundamental legal safeguards, such as the right to be informed of charges, and the right to communicate with a lawyer or to notify family members, are commonly denied; and (c) the granting of bail remains discretionary and can be arbitrarily refused, in particular for political opponents. The Nigerian Government was requested to describe the measures taken to strengthen the capacity of the judicial system, in particular to: (a) combat political influence and corruption and ensure that justice is free from any pressure or interference; (b) strengthen the role of the National

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Judicial Council and ensure the monitoring of judges and courts at federal, state and local levels; and (c) reduce delays in the administration of justice and address the lack of resources and staff.

Furthermore, Government was to describe the measures to restore citizens' trust in the justice system and provide information on the reasons for and the outcomes of the arrests of Supreme Court and High Court judges. Information was also to be provided on the measures taken to ensure everyone's access to the courts, including through the development of an effective legal aid system. In addition, information was required on the role of the customary and sharia courts, with clarification in particular whether: (a) non-Muslims can in practice refuse to be tried before sharia courts; (b) Customary and sharia courts can be involved in criminal cases and impose punishments, such as caning, amputation and death by stoning; and (c) Customary and sharia courts' judgments can be challenged before common law appellate courts in practice.

The government was also asked to provide information on the measures taken to ensure respect for the right to a fair trial and respond to allegations that: (a) Courts commonly hear cases in the absence of legal counsels; and (b) Those suspected of having committed terrorist acts are commonly denied their fundamental rights, in particular the right to legal representation and the right to due process. In this regard, a report was requested on the existence of remedies for persons whose right to a fair trial has been violated.

On communication surveillance and right to privacy (art. 17), the Government of Nigeria was asked to provide information on the legal and regulatory frameworks governing surveillance of communications and report on their compatibility with human rights standards. Clarification was required as to whether surveillance measures and practices under the Terrorism (Prevention) Act and the Cybercrimes Act of 2015 respects the principles of legality, necessity, proportionality, judicial authorisation, independent oversight and users' notification. The government was also requested to respond to allegations of: (a) Massive surveillance of mobile telephone communications in the State party's capital; and (b) An increased monitoring of online activities by government actors, particularly on social media. It was to in addition, clarify whether the country intended to adopt data protection legal frameworks and regulations.

Nigeria was requested to provide information on the large-scale evictions and demolition of homes, in particular in Lagos State, in the Ilubirin and Otodo-Gbame communities, which has allegedly affected 50,000 persons since 2013, particularly in 2016 and 2017. It was to respond to allegations of excessive use of force by law enforcement agents and unidentified armed men assisting demolition teams, leading to deaths and destruction through fires during these events. Information was to be provided on the measures taken to: (a) investigate these allegations and grant victims adequate reparation; (b) ensure adequate safeguards and effective participation in order to avoid forced evictions; and (c) ensure the provision of alternative accommodations.

On freedom of religion (arts. 2, 6, 12, 18, 20–21, and 26), the Nigerian Government was requested to provide information on the measures to ensure non-discrimination against religious minorities and respond to allegations that: (a) Christians in the northern states experience abuse of power by Al-Hisbah (the sharia police); and (b) religious minorities, particularly Christians in the northern states, experience discrimination in access to education, employment, including state jobs, promotion and land permits to build churches. Clarification was required as to whether, in practice, apostasy is allowed and could be practised without punishment or social pressure. Information was to be provided on the measures to prevent and adequately respond to hate speech, incitement to religious hatred and mob violence, particularly against Christian minorities in the northern states.

In addition, the government was to respond to allegations that authorities commonly restrict the activities, freedom of movement and association of members of the largest Shia group in the country,

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the Islamic Movement in Nigeria. Information was also required on the pending bill in Kaduna State that would require all preachers to obtain licenses to preach or risk fines or imprisonment. Government was also asked to respond to allegations that such a bill would in practice allow authorities to restrict church activities.

On freedom of expression, assembly and association and human rights defenders (arts. 6–7, 19 and 21–22), information was required on the mandate of the National Broadcasting Commission and on any legal safeguards to ensure that its activities comply with article 19 of the Covenant. With regard to sections 50 (2) and 60 (chap. 7) of the Criminal Code Act of 2004, Nigeria was to specify whether the government intended to review its legislation regarding libel, slander and defamation. Detailed information was requested on section 13 (9) of the Digital Rights and Freedom Bill of 2016 and its use in practice.

The government was also to respond to allegations that: (a) accusations of libel are used by State authorities in retaliation for negative reporting against journalists; and (b) section 24 of the Cybercrimes Act is used to arrest bloggers criticising the Government. In addition, the comment was required on the Government's official declaration in 2017 that the military would monitor social media for hate speech and anti-government and anti-security information and respond to allegations that such a declaration could discourage free expression and encourage self-censorship. The Committee further asked for response to allegations that bloggers, journalists, activists and human rights defenders critical of government officials or activities are arrested, detained and tortured, especially when they cover corruption scandals, human rights violations, and separatist and communal violence. Clarification was required as to whether the State party intended to adopt legislation or policy measures aimed at recognising, promoting and protecting the work of human rights defenders.

Regarding the Public Order Act of 2005, clarification was requested on the process to obtain a licence to organise peaceful assemblies or gatherings and whether the current system establishes a system of prior authorisation or notification. Data was also required on the number of applications made for peaceful assemblies and the number granted within the reporting period. In addition, clarification was requested on the status of the Bill on Non-Governmental Organisations, introduced in June 2016, aiming at regulating and monitoring the activities of all civil society organisations in the country, and which legal safeguards would ensure its compatibility with article 22 of the Covenant. With reference to the Trade Unions Act of 1973, Nigeria was asked to respond to allegations that the current frameworks create barriers to the establishment and activities of trade unions, in particular regarding section 3 (2), which gives the minister significant freedom to refuse the registration of a union, and section 3 (1), which requires a minimum of 50 members for registration. In this regard, response to allegations of threats against and harassment, arbitrary arrests and killing of trade union activists, was required.

On participation in public affairs (arts 3, 25 and 27) and in view of the then impending presidential and legislative elections in 2019, the Nigerian Government was requested to provide information on the efforts made to ensure that: (a) Problems identified during the last elections were being addressed; (b) Elections were held on schedule, free from violence, transparent and fair; and (c) A large number of voter registration was achieved and that the registered electorate would vote effectively. Information was required on the regulations governing primary elections for political parties to select their candidates, as well as the mandate of the Independent National Electoral Commission, the appointment of its members, the conditions for referrals thereto, its staffing levels and its annual budget.

The Committee asked for clarification as to whether the Nigerian Government intended to adopt a comprehensive policy and strategy to protect the rights of ethnic minorities, including the terms of

their languages. Comment was also required on reports that ethnic minorities were discriminated against in various aspects of their lives, segregated from society, mistreated and targeted for acts of violence, while perpetrators were not prosecuted. In addition, elaboration was sought on the meaning of "indigene" in section 147 (3) of the Constitution, the purpose of the distinction between "indigene" and "settler" status and their definition. Information was to be provided on the measures to: (a) prevent advocacy for racial hatred, particularly against Igbos; and (b) ensure representation of ethnic minorities at governmental levels and participation in decisions, particularly regarding natural resources.⁹

2.4 Reply to list of issues

Nigeria's reply to the list of issues was received on 12 April 2019 and subsequently discussed at the 126th Session of the Human Rights Committee. The reply is reproduced in the following paragraphs. The reply from the Nigerian Government reported that the International Covenant on Civil and Political Rights (ICCPR) was not domesticated in Nigeria in accordance with Section 12 of the Nigerian Constitution (as amended). However, the provisions of the Covenant formed a major part of the country's domestic laws. Examples included Chapter IV of the Constitution which deals with the protection of civil and political rights. Other domestic laws which protect civil liberties and fundamental freedoms cited include Violence Against Persons (Prohibition) (VAP) Act, 2017; Administration of Criminal Justice Act, (ACJA) 2015; Anti Torture Act, 2017; Freedom of Information Act, (FOIA) 2011, Terrorism (Prevention) (TPA) Act, 2011 as amended; National Human Rights Commission (NHRC) Act, 1995 as amended; Legal Aid Council of Nigeria (Amendment) (LACN) Act, 2012; The African Charter on Human and Peoples Rights (Ratification and Enforcement) Act CAP A9, and Laws of the Federation of Nigeria (LFN)2004.

It was also remarked that: The National Human Rights Commission Act, 1995, as amended, has direct reference to the ICCPR as one of the international human rights instruments to benchmark the mandate of the Commission in the promotion and protection of human rights in Nigeria. The Commission and other government agencies were said to have a very effective sensitisation programme on human rights that permeates the nooks and crannies of the country. For instance, there is the National Orientation Agency (NOA), which though a Federal Government department, has offices in the 774 local government areas of the country. Besides, the Federal and State Governments have radio and television stations with rich content on human rights education.

Despite the fact that the provisions of the Covenant cannot be invoked directly before the courts, any international human rights treaty ratified by Nigeria enjoys the force of persuasion before domestic courts. Accordingly, there are a plethora of cases in Nigerian courts where the courts were persuaded by the provisions of international human rights treaties. Also, the Chief Justice of Nigeria has put in place robust Fundamental Human Rights Enforcement Procedure (FHREP) rules which have simplified enforcement of the provisions of the fundamental human rights sections in the Constitution. The overriding objectives of the FHREP rules include respect for the Universal Declaration of Human Rights and other instruments in the United Nations Human Rights System.

The Nigerian Bar Association (NBA), a body of legal practitioners, during its Annual Conference, hosts agencies such as the National Human Rights Commission (NHRC), Legal Aid Council, and Council for Legal Education. These agencies present their annual scorecards at the conference for scrutiny by the NBA, which assesses the implementation of the provision of the Covenant by the various agencies of Government. Although the Nigerian Constitution stands on the application of three legal systems: the received English law, Islamic law and Native law and Custom, Sections 1 (3) and 4 (5) provide that if any other law either at the federal or state level is inconsistent with the provisions of the Constitution, the Constitution shall prevail and that other law shall, to the extent

⁹Treaty bodies Download (ohchr.org)CCPR/C/NGA/Q/2 – Accessed 29/8/2022

of the inconsistency, be void. Rights protected by the Covenant are mainly guaranteed by Chapter IV of the Constitution. In a situation where customary law, Islamic law or any other law is inconsistent with the Constitution, the Constitution prevails.

The National Human Rights Commission was established by the National Human Rights Commission Act of 1995, (as amended), for the promotion and protection of human rights. The Commission presently enjoys 'A' Status ranking with the Global Alliance of National Human Rights Institutions. It has a broad mandate to deal with all matters relating to the promotion and protection of human rights in Nigeria as guaranteed by the Nigerian Constitution, international human rights instruments, including the ICCPR and regional human rights instruments to which Nigeria is a party. The Commission, as at January 2019, has expanded its offices nationwide from twenty-four to thirty-six. It now has offices in all the states of the Federation, including the Federal Capital Territory.

The NHRC is headed by an Executive Secretary who is responsible for the day-to-day administration of the Commission and the implementation of the decisions of its Governing Council. The Executive Secretary must be a legal practitioner with not less than twenty years of post-qualification experience in international human rights law and mechanisms. He is appointed by the President subject to confirmation by the Senate, the upper arm of the Parliament. The Commission also has a Governing Council representing a variety of interests in the country and with requisite experience in international human rights practice.

The Governing Council is responsible for the discharge of the functions of the Commission. Members of the Governing Council are appointed by the President upon the recommendation of the Attorney-General of the Federation and Minister of Justice, subject to confirmation by the Senate. The same process applies to the removal of members of the Council. The NHRC has Standing Orders and Rules of Procedure that guide its operation, including management of cases and complaints on alleged violations of human rights. The Commission enjoys both administrative and financial autonomy as its funds is a direct charge on the Consolidated Revenue Fund (CRF) of the Federation. It is not subject to the control of any other government agency, except as it relates to transparency and accountability. Section 6 (1) of its enabling law empowers the Commission to conduct its investigations and inquiries in such manner as it considers appropriate while Section 6 (3) provides that the Commission shall not be subject to the direction or control of any other authority or person. The staff strength of the Commission as at February, 2019 is nine hundred (900)¹⁰.

It was reported that in its fight against corruption, Nigeria is guided by the Constitution and numerous legal frameworks. Sections 15 (5) and 16 (1) (a) and (b) of the Constitution prohibits all corrupt practices and abuse of power. Governments at all levels are committed to harnessing the resources of the nation in such a manner as to secure the maximum welfare, freedom and happiness of the citizens on the basis of social justice and equality of opportunity. Besides the Constitutional provisions, other laws that are in place to fight corruption include: (a) Criminal and Penal Codes; (b) Independent Corrupt Practices and other related Offences Commission (ICPC) Act, 2000; (c) Economic and Financial Crimes Commission (EFCC) Act, 2004; (d) Code of Conduct Bureau and Tribunal Act (Laws of the Federation of Nigeria, 2004); (e) Public Procurement Act, 2017; (f) Fiscal Responsibility Act, 2007; (g) Freedom of Information Act, 2011; (h) Money Laundering Prohibition Act, 2011; and (i) Administration of Criminal Justice Act, 2015 to enhance speedy dispensation of criminal cases including corruption related cases.

In addition, it was reported that the Nigerian judiciary has also put in place the Corruption and Financial Crimes Cases Trial Monitoring Committee to monitor progress of corruption cases in Courts, and that Nigeria has initiated policies aimed at discouraging corrupt practices, especially in the public

¹⁰[Treaty bodies Download \(ohchr.org\)CCPR/C/NGA/Q/2/Add.1](https://www.ohchr.org/Treaty_bodies/Download(CCPR/C/NGA/Q/2/Add.1) – Accessed 29/8/2022

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sector, for efficient service delivery and to quicken sustainable national development. Some of these policies are: (a) The Due Process Initiative which led to the enactment of the Public Procurement Act and the establishment of Bureau of Public Procurement; (b) Government Integrated Financial Management Information System (GIFMIS); (c) Integrated Personnel and Payroll Information System (IPPS); (d) Treasury Single Account (TSA); (e) Bank Verification Number (BVN); (f) Executive Order VI on preservation of suspicious assets; (g) The Whistle Blowing Initiative; (h) Asset declaration by public servants and elected officers; and (i) Establishment of Financial Intelligence Unit.

It was remarked that the above initiatives leverage information and communication technology to make public finance more efficient and transparent. The Federal Government since 2015 has made tremendous savings as a result of the initiatives and the resources have been expended on critical infrastructures such as railways, roads and social protection. As reported, other initiatives by the government aimed at combating corruption in the public sector include: (a) The development of National Anti-Corruption Strategy; (b) Participation in the Open Government Partnership (OGP) since 2016 to make government more open, accountable and responsive to citizens. The alliance is a partnership between government departments and civil society on specific commitments geared towards fiscal transparency; (c) The Proceeds of Crime Bill (2017) which is being considered by the National Assembly. The Bill if passed into law will complement the existing legal and institutional frameworks for the fight against corruption; (d) Nigeria Extractive Industry Transparency Initiative; and (e) Mutual Legal Assistance in Criminal Matters Act, 2017.

The law is aimed at assisting Nigeria to repatriate looted funds and other proceeds of crime in foreign countries; Enhancing effective prosecution of border crimes; and Enabling Nigeria to obtain evidence, identify suspects and witnesses for the purpose of prosecuting suspected corrupt persons. In its reply to the issue of state of emergency & counter-terrorism measures, Nigeria maintained that the state of emergency proclaimed by the Federal Government of Nigeria in May, 2013 was not only in accordance with Section 305 of the Nigerian Constitution but also in full compliance with Section 45 of the Constitution. Military operations in the three States of Borno, Adamawa and Yobe during the period of emergency and beyond were guided by the protection and guarantee of human rights provided for in Sections 33–46 of the Constitution, international principles on low intensity conflicts, international human rights and humanitarian laws. Nigeria's reply also asserted that the Armed Forces had ensured that only legally permissible arsenals would be deployed and used in the theatre of operations. Additionally, the military ensured that only the minimum force necessary to capture a desired military objective is used at all times.

It was also asserted that all reported acts of unprofessional conduct and human rights violations against troops were promptly investigated and appropriate sanctions meted out on those found guilty in accordance with the Armed Forces Act and the Constitution. The military, it was reported, has continually educated troops on the implication of unprofessional conduct and violations of human rights and humanitarian laws. The Code of Conduct and Rules of Engagement were revised and circulated to all units and formations and troops were constantly trained on adherence to these protocols. There is also the establishment of Directorate of Military/Civil Relations and creation of Human Rights Desk in the Armed Forces. Furthermore, as a result of persistent allegations of human rights violations against troops deployed in internal security operations, the Federal Government set up a Special Presidential Investigation Panel in August 2017 with the following terms of reference: (a) Review extant rules of engagement applied in the Armed Forces of Nigeria and extent of compliance thereto; (b) Investigate matters of conduct and discipline in the Armed Forces in local conflicts and insurgency; and (c) Recommend means of preventing violation of international human rights and humanitarian laws in conflict situations.

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Membership of the aforementioned Panel, as reported, includes the Armed Forces, the National Human Rights Commission and civil society, the Chairman of the Panel being a serving Judge of the Court of Appeal. The Report of the Special Presidential Investigation Panel had been submitted to the Federal Government and a Committee to review the Report had been constituted and would soon conclude its assignment. According to Nigeria's response, other means to ensure strict compliance with Constitutional provisions on protection of human rights, Nigeria's international human rights and international humanitarian laws obligations include strengthening civil-military cooperation in the fight against terrorism, insurgency and other internal security operations through: (a) Review of training curriculum for the military and law enforcement agencies to include modules on international law on civilian protection during internal security operations; (b) Establishment of Directorates of Civil-Military Affairs, headed by two-star generals in the Office of the Chief of Defence Staff, the Nigerian Army, Nigerian Air Force and the Nigerian Navy; (c) Appointment of a Human Rights Adviser in the Office of the Chief of Defence Staff; and (d) Establishment of Human Rights Desk at the headquarters and the divisions of the Nigerian Army.

Nigeria also responded that the National Human Rights Commission, with the support of the UN country office, regularly monitors the conduct of the Armed Forces and other law enforcement agencies operating in the Northeast and had initiated a regular Human Rights Dialogue with the military since August 2015. The objectives of the Dialogue include: (a) Improving awareness of respect for human rights by the Armed Forces; (b) Prevention of human rights violations by the armed forces during internal security operations; (c) Speedy investigation of alleged human rights violations by military personnel, including holding perpetrators accountable; (d) Mainstreaming respect for human rights and humanitarian laws in military operations; and (e) Providing a sustained platform for the civil society to constructively engage the Nigerian Armed Forces.

The response also indicated that major law in Nigeria in combatting terrorism is the Terrorism (Prevention) Act of 2011 as amended in 2013. Section 2 of the law defines terrorism and terrorist activities. In part, the section states: "Act of terrorism means an act which is deliberately done with malice, aforethought and which: (a) May seriously harm or damage a country or an international organisation; and (b) Is intended or can reasonably be regarded as having been intended to: i. Unduly compel a government or international organisation to perform or abstain from performing any act; ii. Seriously intimidate a population; and iii. Seriously destabilise or destroy the fundamental political, constitutional, economic or social structures of a country or an international organisation."

With regards to Non-Discrimination, Nigeria wrote that besides Sections 14 (3) and (4) and 42 of the Constitution that prohibits discrimination of any kind, there is the Federal Character Commission Act which spells out in detail guidelines for the distribution of public appointments as well as distribution of social facilities across the country. The Federal Government also has in place Guiding Principles for the distribution of equal percentage of persons from each state of the federation to occupy public positions at the national level. Gender and other vulnerable groups such as persons with disabilities are taken care of in the guidelines. It was remarked that in 2014, the Government of Nigeria, enacted the HIV/AIDS (Anti-Discrimination Act). The objectives of the Act, among other things, are to eliminate all forms of discrimination based on HIV status and to give effect to human rights guaranteed in the Constitution and Nigeria's obligations under regional and international human rights instruments ratified by Nigeria with respect to the rights of persons living with HIV/AIDS.

Nigeria has also enacted the Prohibition of Discrimination Against Persons Living with Disabilities Act of 2019 which eliminates all forms of discrimination against persons living with disabilities. Nigeria's response asserted that same-sex marriage is not provided for in Nigerian laws because it is against the country's National values. To buttress this, a fundamental human rights poll conducted by NOI

Polls Ltd. on the Anti-Same-Sex Marriage Act showed that 92% of Nigerians support the law. Sexual and gender minorities are not visible in Nigeria and there are no officially registered associations of gays and lesbians. In spite of the Same-Sex Marriage (Prohibition) Act which criminalises open display of gaysm and lesbianism and prohibits same-sex marriage, there is no case of discrimination on basis of sexual identity. Isolated cases of stigmatisation and violence are addressed in line with the civil liberties of the Constitution and other relevant laws.

In its response to issues raised concerning gender equality, the Nigeria Government said that the Gender and Equal Opportunities Bill was still being considered by the National Assembly. In this regard, stakeholders were reported to be working assiduously to ensure the passage of the Bill into law. There was also a Bill before the National Assembly to legislate certain percentage of elective and appointive positions in the public sphere to women. Nigeria's response stressed that women are not discriminated against in Nigeria on the basis of any law but due to cultural practices. It also maintained that there are many laws and policies in Nigeria that promote gender equality and aimed at protecting the rights of women and the girl-child. Some of these laws include: 1999 Constitution (as amended); Child Rights Act (2003); Edo State Law on Female Genital Mutilation (2000); Anambra State Gender and Equal Opportunities Law (2007); Imo State Gender and Equal Opportunities Law (2007); Lagos State Protection against Domestic Violence Law (2007); Ekiti State Gender-based Violence (Prohibition) Law (2011); Rivers State Dehumanising and Harmful Traditional Practices Law (2003); and Violence Against Persons (Prohibition) Act (VAPP), (2015).

The reply to the list of issues asserted that concerns over violence against women and harmful practices had been addressed under the foregoing paragraphs on Non-Discrimination and Gender Equality. In addition, efforts were ongoing in all the states of the Federation to ensure the adoption of the Violence Against Persons (Prohibition) Act. Some states have the law in place even before the Federal enactment in 2015. Some of these states are Anambra, Ekiti, Lagos, Imo, Edo, Rivers, Cross River among others. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP), which has the mandate of implementing the VAPP Act, is working with stakeholders for its effective implementation across the country, particularly by ensuring that States adopt the law.

Nigeria was said to be committed to promoting and protecting the rights of citizens to basic health care including reduction of maternal mortality and reproductive rights. In this regard, government has put in place many legislative and policy frameworks. These include the National Health Act, 2014, National Health Policy 2016, National Strategic Health Development Plan (2010–2015) and 2018–2022. Within the Health Development Plans, there is campaign on accelerated reduction in maternal mortality to create awareness in promoting maternal and child health.

There is also the institutionalisation of Bi-annual Maternal Newborn and Child Health Week for improving maternal and child health services. Government has increased its funding on family planning by 300% since 2013 and this covers family planning programme, child survival programme and an action plan for reducing child mortality in Nigeria to at most 20/1000 live birth by the year 2035. In April 2019, the Federal Government declared a state of emergency on maternal and infant mortality to be able to eradicate these phenomena in the country. The reply to list of issues reported that death penalty is still part of Nigerian law. Section 33 (1) of the Nigerian Constitution provides that "every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria". A person convicted to death can only be executed after going through the criminal justice process including trials at three levels of court, i.e. trial court, appellate court and the Supreme Court. Offences that are punishable by death are very few and include murder, treason, directing or presiding at an unlawful trial by ordeal from which death results and armed robbery.

However, the response said that Nigeria has a moratorium on death sentence and no death penalty has been carried out for a long time in the country. As at the time of compiling the responses, there were 2,672 prisoners on the death row in the country, comprising 2,627 males and 45 females. The last execution in a Nigerian prison was in 2013. It is however, instructive to note that cases of prisoners on death row are periodically reviewed by the Presidential and State Committees on Prerogative of Mercy and their sentences are either commuted to life or long-term imprisonment. According to Nigeria's reply to the list of issues, Section 34 (1) of the Constitution prohibits the use of torture and any other cruel or degrading treatment in any form. Nigeria also enacted the Anti-Torture Act in 2017 which criminalises any form of torture. The Armed Forces Act also provides guidelines for the use of force by military personnel and unauthorised use of force is criminalised in the Act. All law enforcement agencies and the military have codes of conduct and rules of engagement guiding the use of force, particularly in internal security operations. These guidelines are in conformity with the UN Basic Principles on the use of Force and Firearms by Law Enforcement Officials of 1990.

Allegations of excessive use of force by the Police or the military are always promptly investigated and perpetrators sanctioned accordingly. Government has paid damages awarded by courts and the National Human Rights Commission for excessive use of force resulting to death by law enforcement agencies. It was reported that the Government of Nigeria has deployed adequate security forces to all areas where inter-communal and ethnic-based violence has occurred in the country. Perpetrators are being arrested and prosecuted in a court of law. Town hall meetings are held regularly by government personnel as well as law enforcement and military personnel with stakeholders for peacebuilding and to ensure harmonious and peaceful coexistence in those communities. Allegations of excessive use of force by law enforcement and military operatives are promptly investigated and addressed.

The reply from the government indicated that the enactment of the Anti-Torture Act of 2017 was in response to Nigeria's obligations under the UN Convention Against Torture, Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and its optional protocol. The Administration of Criminal Justice Act of 2015 on the other hand is a transformative improvement of the criminal justice system which ensures that the Constitutional guarantees of human rights and other legal rights are adhered to throughout the criminal process. The two laws have been widely circulated among critical stakeholders such as federal and state prosecutors, defence counsel, law enforcement agencies and civil society. Series of trainings have been conducted for these stakeholders. Some state governments have also enacted new criminal justice administration laws using the ACJA (2015) as a model. These laws have been distributed to all police formations across the country, with clear instructions for commanders to make them subjects of routine lectures. Their provisions have also been inculcated in the curriculum of all the police training institutions and continuous training on these laws are being held in all police stations across the country.

The report said that apart from these laws, the Nigeria Police has developed a Human Rights Practice Manual, which in section 3, provides guidelines for humane treatment of all detained persons. The manual further instructs that all detained persons are to be treated humanely and that no policeman should inflict, instigate or tolerate any act of torture or ill treatment in any circumstance or obey any order to do so. The policy document is intended to provide police officers with a statement of policy on the practice of human rights, Standard Operational Procedure (SOP) for human rights practice by police officers and an understanding of basic human rights standard of good conduct.

It went further to state that in Nigeria, the use of confession obtained by torture, or other ill inducement as evidence is prohibited by section 29 of the Evidence Act, 2015. This is respected in practice as the courts conduct trial within trial whenever objection is raised to admission of any

confession on such grounds. Section 17 (2) of ACJA as well as other Criminal Procedure Laws of the states have also introduced the procedure of recording confessions in the presence of legal practitioners, officers of the Legal Aid Council, civil society organisations or Justices of Peace. All commands and formations of the Nigeria Police have been directed to comply strictly with these procedures.

In spite of the efforts of government and law enforcement institutions to ensure that there is strict adherence to the rule of law and human rights of suspects, it was reported that there were isolated cases of use of torture or other cruel, inhuman or degrading treatment by some law enforcement operatives, particularly the Special Anti-Robbery Squad (SARS) and other special forces of the Nigeria Police. All reported cases of these allegations are promptly investigated and where the allegations are proven against the perpetrators, appropriate disciplinary measures have been meted on affected officers. Some of these officers are also prosecuted before the courts where necessary and convicted appropriately.

The report also mentioned that owing to incessant allegations of human rights violations against operatives of the SARS, the Federal Government has restructured the unit to make it more compliant with Nigerian law and the international human rights obligations of the country. The President had also set up a Special Investigation Panel comprising independent experts on police matters, civil society organisations and departments of government that have oversight functions on law enforcement agencies to recommend a comprehensive reform and restructuring of SARS, the Nigeria Police and public safety and security as a whole. Government intends to fully implement the recommendations of the Special Investigation Panel at the conclusion of its assignment.

Furthermore, in order to ensure that all cases of allegations of abuse of power made against police officers are promptly investigated and addressed, the Nigeria Police established the Police Complaint Rapid Response Unit (PCRRU) in 2015. This is a community-oriented complaint management system using multi-platforms like phone calls, SMS, WhatsApp and other social media through which complaints from the public are reported and attended to on a 24/7 basis. Complaints are given tracking numbers and feedback given to the reporters after necessary actions are taken. The PCRRU has focal point officers in all the commands and formations of the police who take part in investigation of complaints after which reports are sent to the headquarters for necessary actions. From March 2016 to the time of filing the report, a total of 29 police officers had been dismissed for cases of misconduct based on complaints from the PCRRU while 3 others served other forms of punishment.

The National Human Rights Commission is empowered by law to conduct regular prison audit as well as that of other detention facilities in the country. The Commission visits the prisons and other detention facilities across the country on a regular basis and sends its reports and recommendations to appropriate authorities. The Commission also publishes its report for the consumption of members of the public. Section 35 of the Administration of Criminal Justice Act empowers magistrates to visit police stations at least once every month to monitor the conditions of detained persons. The Federal and States committees on administration of criminal justice also conduct regular visits to the prisons and other detention facilities. These visits ensure that the rights of suspects are reviewed and necessary actions taken where any breach of law is observed.¹¹

2.5 Concluding observations on Nigeria in the absence of its second periodic report

In the absence of Nigeria's second State Party Periodic Report, the Committee considered the situation of civil and political rights under the Covenant in Nigeria at its 3613th and 3614th meetings,

¹¹Treaty bodies Download (ohchr.org)CCPR/C/NGA/Q/2/Add.1 – Accessed 29/8/2022

held in public sessions on 3 and 4 July 2019. In accordance with rule 71 of the Committee's rules of procedure, the failure of a state party to submit its report under article 40 of the Covenant may lead to an examination in a public session of the measures taken by the State party to give effect to the rights recognised in the Covenant and to the adoption of concluding observations. At its 3636th meeting, held on 19 July 2019, the Committee adopted some concluding observations which are presented in the succeeding paragraphs.

The Committee observed that the Covenant came into force for Nigeria on 29 October 1993. The State party was under an obligation to submit its second periodic report by 28 October 1999. The Committee regretted that the State party failed to honour its reporting obligations under article 40 of the Covenant and that, despite numerous reminders, the State party had not submitted its second periodic report. The Committee nevertheless expressed appreciation for the opportunity to engage in a constructive dialogue with the State party's delegation on the implementation of the Covenant.

The Committee expressed its gratitude to the State party for its written replies to the list of issues (paragraph 2.9 above), which were supplemented by oral and written responses by the delegation. In the light of the written replies to the Committee's list of issues and the constructive dialogue that the Committee had with the State party's delegation, the Committee considered the written replies as the second periodic report of the State party. The Committee generally welcomed the following legislative and institutional steps taken by the Nigerian Government: (a) The HIV/AIDS Anti-Discrimination Act, in 2014; (b) The Violence against Persons (Prohibition) Act, in 2015; (c) The Anti-Torture Act, in 2017; (d) The Prohibition of Discrimination against Persons Living with Disabilities Act, in 2019.

The Committee also commended the ratification of, or accession to the following treaties by the State party: (a) The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, on 28 June 2001; (b) The United Nations Convention against Transnational Organised Crime, on 28 June 2001; (c) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, on 28 June 2001; (d) The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime on 27 September 2001; (e) The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, on 27 July 2009; (f) The International Convention for the Protection of All Persons from Enforced Disappearance, on 27 July 2009; (g) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 27 July 2009; (h) The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, on 25 September 2010 and 27 September 2012 respectively; and (i) The Convention on the Rights of Persons with Disabilities, on 24 September 2010.

The Committee having noted the achievements of the Nigerian Government in the implementation of the ICCPR, went ahead to highlight some principal areas of concern as presented hereunder. The Committee welcomed the information provided by the delegation that a national working group on treaty reporting has been convened as a permanent structure. It was, however, concerned about the capacity of the working group to address the considerable list of outstanding reporting obligations of the State party to human rights mechanisms and follow-up on their recommendations. The Committee also regretted the lack of information on whether the State party is considering accedance to the first Optional Protocol to the Covenant (art. 2).

The State party was asked to ensure that the working group on treaty reporting is fully equipped to fulfil its functions as a standing government structure mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms and to coordinate and track

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national follow-up to and implementation of the recommendations and decisions emanating from such mechanisms. Nigeria was asked to provide the working group with adequate support, including dedicated staff, and the capacity to consult systematically with the national human rights institution and civil society; and to consider acceding to the first Optional Protocol to the Covenant in order to enhance the protection of human rights for all individuals within its territory and subject to its jurisdiction.

The Committee welcomed the fact that the National Human Rights Commission was recredited with "A" status by the Global Alliance of National Human Rights Institutions in 2016. The Committee was concerned about issues raised by the Subcommittee on Accreditation, including the selection and appointment process, the security of tenure of members of the governing body and the lack of authority to table reports directly in the parliament, as well as reportedly limited capacity and shortage of resources (art. 2). The State party was requested to address the concerns raised by the Subcommittee on Accreditation and provide the National Human Rights Commission with adequate human and financial resources to ensure its effective functioning in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

The Committee, while appreciating the information provided by the State party on its implementation of the United Nations Convention against Corruption, and the legislative, institutional and enforcement measures taken to prevent and combat corruption, including recent convictions of high-level officials for fraud and misappropriation of public funds, was concerned that corruption remains pervasive in the State party, including in the oil and security sectors. The Committee noted the adoption of a whistle blower policy but was concerned that the proposed law to protect whistle blowers had not yet been adopted (arts. 1, 2 and 25). To this regard, the Committee urged the State party to adopt the legislation protecting whistle blowers. It also exhorted the State party to continue its efforts, including through international cooperation and effective implementation of legislation and preventive measures, to combat corruption and promote good governance, transparency and accountability, even in the management of natural resources.

On counter-terrorism measures and states of emergency, the Committee acknowledged the serious challenges posed by terrorist activities to the State party, but was concerned about some provisions of the Terrorism (Prevention) Act of 2011, such as the broad definition of "terrorism" and "terrorist activities", the disproportionate sanctions attached to non-violent acts and omissions which fall under the scope of the Act, the extensive powers of the State authorities and the lack of judicial supervision over the exercise of certain powers. The Committee was concerned about a lack of clarity concerning the legal framework governing states of emergency, its conformity with article 4 of the Covenant and the range of permissible derogations from the Covenant rights during states of emergency. The Committee was concerned about allegations of serious human rights violations committed by the security forces during the state of emergency, declared in May 2013 in the northeast of the country (states of Adamawa, Borno and Yobe), in the context of counter-terrorism measures against Boko Haram (arts. 4, 6, 7 and 9). 15.

Nigeria was requested to take the necessary steps to review the provisions of the Terrorism (Prevention) Act of 2011 and bring them into line with the Covenant and other relevant international standards. The State party should ensure that the legal framework governing states of emergency is clear and compliant with all provisions of article 4 of the Covenant. It should ensure that measures derogating from the provisions of the Covenant are limited to the extent strictly required by the exigencies of the situation and meet the requirements of the principle of proportionality. The State party should ensure that all allegations of human rights violations committed during states of emergency are promptly and effectively investigated, that those responsible are brought to justice

and victims are provided with full reparations. The State party should also continue its efforts, including through training and monitoring, to prevent human rights violations in military and law enforcement operations.

The Committee was concerned about the lack of comprehensive anti-discrimination legislation and the absence of a definition of discrimination in the State party's legislation. The Committee noted with concern that the gender and equal opportunities bill has not yet been adopted and that discrimination against women in access to justice, education, employment and enjoyment of land and property rights persists both in law and in practice. The Committee was particularly concerned about legal provisions and practices that discriminate against women, including with regard to the transmission of nationality, and polygamy, repudiation, adultery and inheritance rights in the states that apply sharia law, and discriminatory traditional practices. The Committee regretted that women remain underrepresented in the public and private sectors, particularly in decision-making positions (arts. 2, 3, 14, 25 and 26).

Nigeria was requested to adopt comprehensive anti-discrimination legislation that: (a) Includes a comprehensive list of prohibited grounds of discrimination, including race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, sexual orientation, gender identity and other status; (b) Covers direct, indirect and intersecting forms of discrimination; and (c) Provides for effective remedies, including judicial remedies. The State party was asked to take steps, including a comprehensive review of the legislation, to ensure that women are not subjected to any form of discrimination, in law and in practice, inter alia in matters of access to justice, education, employment, land and property rights, marriage and transmittal of nationality.

It should: (a) harmonise its national laws with the provisions of the Covenant, including by repealing discriminatory provisions relating, inter alia, to marriage, polygamy, repudiation, divorce, succession and landownership; (b) conduct public awareness campaigns aimed at eliminating gender biases and stereotypes regarding the roles and responsibilities of men and women in the family and society, and promote gender equality and non-discrimination; and (c) make efforts to increase the participation of women in the political and public domains, particularly in decision-making positions, if necessary, through temporary special measures.

The Committee was concerned that the Criminal Code criminalises consensual same-sex sexual activity and that the Same-Sex Marriage (Prohibition) Act provides for 14 years' imprisonment for a person who enters into a same-sex union and 10 years' imprisonment for anyone who supports, meets with or forms a group advocating for the human rights of lesbian, gay, bisexual and transgender persons. The Committee was further concerned about reports that, since the adoption of the Act, harassment and violence against such persons has increased, as well as the number of arrests and the detention of young people based on their actual or perceived sexual orientation and gender identity (arts. 2, 6, 7 and 26).

The State party was asked to decriminalise consensual same-sex relationships between consenting adults and ensure that arrest, prosecution and punishment based on actual or perceived sexual orientation or gender identity or advocacy of the rights of lesbian, gay, bisexual and transgender persons are prohibited. It should consider repealing the Same-Sex Marriage (Prohibition) Act and reviewing all other relevant legislation. Pending such revisions, those measures should not be employed. The State party should provide effective protection to lesbian, gay, bisexual and transgender persons and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity.

In addition, Nigeria was requested to take efforts to combat stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, including by launching a sensitisation campaign aimed at the general public and providing appropriate training to public officials so as to put an end

to the social stigmatisation of such persons. While generally welcoming the adoption of the Violence against Persons (Prohibition) Act of 2015, dealing among other things with gender-based violence, the Committee was concerned that the act applies only in the Federal Capital Territory and in those few states that have adopted the law, and that several states do not have specific laws prohibiting sexual and gender-based violence. The Committee was concerned about reports of widespread gender-based violence, including rape, and the prevalence of harmful traditional practices against girls and women, including female genital mutilation, especially its medicalisation. It is further concerned by the low level of reporting of gender-based violence, partly due to a culture of silence perpetuated by persistent societal stereotypes; the lack of prompt and effective investigations of such cases; the low level of prosecution and conviction of perpetrators; and the insufficient level of assistance for victims (arts. 2, 3, 7 and 26).

The Committee requested the State party to strengthen its efforts to curb gender-based violence, in particular by: (a) ensuring the Violence against Persons (Prohibition) Act applies in all federal states; (b) taking measures to ensure that cases of violence against women are reported and thoroughly investigated, perpetrators are prosecuted, and if convicted, sentenced with appropriate penalties, and victims provided with full reparation and granted adequate assistance, including shelters; and (c) raising awareness among religious and traditional leaders, police, medical staff and legal professionals, and society at large, about the negative effects of violence against women and harmful traditional practices.

The Committee was concerned that the maternal mortality rates in Nigeria are among the highest in the world, particularly in the north-east of the country, among women who are poor, living in rural areas and affected by conflict, due to their limited access to reproductive health care. The Committee noted with concern the highly restrictive laws permitting abortion only in order to save a pregnant woman's life, and criminalising it in all other circumstances, leading to a high incidence of unsafe abortions in the country.

The Committee was concerned about allegations of the detention of women post-delivery because they could not pay their medical bills. Also of concern were the high rate of teenage pregnancy, high HIV rates, especially among young girls and women, and the lack of effective access to contraceptive methods for women and girls (arts. 2, 3, 6 and 7). The State party was requested to: (a) Strengthen its efforts to ensure unimpeded access to sexual and reproductive health services, including effective access to quality prenatal and post-abortion health care for women and girls in all circumstances and on a confidential basis; (b) Review its legislation to ensure safe, legal and effective access to abortion where the life and health of the pregnant woman or girl is at risk and where carrying a pregnancy to term would cause the pregnant woman or girl substantial pain or suffering, most notably when the pregnancy is the result of rape or incest or where it is not viable; (c) Ensure that women and girls who have abortions, as well as the health-care practitioners assisting them, are not subject to criminal sanctions; and (d) Ensure access to quality and evidence-based information and education about sexual and reproductive health, and appropriate and affordable contraceptive methods for women, men and adolescents nationwide.

The Committee welcomed the fact that the State party has not carried out any executions since 2016 and has established a de facto moratorium. However, the Committee was concerned about information that some states are considering reinstating executions. The Committee remained concerned that, despite its previous recommendations (the death penalty is still imposed by the courts, including for crimes other than the most serious crimes within the meaning of article 6 (2) of the Covenant, and in some federal states it is still available for offences committed by minors. The Committee was further concerned that the death penalty is mandatory for some offences. It was also concerned about the high number of individuals remaining on death row in the State party and

the slow pace in commuting death sentences (arts. 6 and 7). In accordance with its general comment No. 36 (2018) on the right to life, in which the Committee reaffirmed that State parties that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, *de facto* and *de jure*, in the foreseeable future and suggested that the State party should consider: (a) establishing a *de jure* moratorium on the death penalty with a view to abolishing it; and (b) acceding to the second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

In the meantime, Nigeria was requested to revise the Criminal Code so as to make it strictly compliant with article 6 (2) of the Covenant and restrict the crimes for which the death penalty may be imposed on perpetrators to the most serious crimes, understood to be crimes involving intentional killing. The State party should increase its efforts to take steps towards commuting the death penalty imposed on persons on death row to life imprisonment. The Committee was concerned that the Constitution allows for a broad use of lethal force, including for the defence of property and that the provisions of the Code of Criminal Procedure, the Administration of Justice Act, and Police Order 237 authorise the use of force without adequately restricting the nature of the force and setting out the principles of necessity or proportionality. The Committee was further concerned about allegations of the excessive use of force against demonstrators, including the alleged killing of more than 150 members and supporters of the indigenous people of Biafra during Operation Python Dance, on the occasion of non-violent gatherings between August 2015 and November 2016; and the alleged killing of 350 supporters of the Islamic Movement in Nigeria in response to their barricading of roads blocking the passage of a military convoy in December 2015.

While noting that some investigations have been initiated, the Committee regretted the lack of information about the outcome of those investigations and recommendations, including the punishment of the perpetrators and the reparations granted to the victims (arts. 6, 7, 9 and 14). Nigeria was requested to take measures to effectively prevent and eliminate all forms of excessive use of force by law enforcement agents, including by: (a) Revising legislation and policies controlling the use of force by law enforcement officials, taking due account of the Committee's general comment No. 36 and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; (b) Introducing procedures designed to ensure that law enforcement actions are adequately planned in a manner consistent with the need to minimise the risk they pose to human life, that there is mandatory reporting on the use of force, and that such incidents are reviewed and investigated; (c) Providing law enforcement personnel with training on the use of force in line with international standards; and (d) Ensuring that all instances of excessive use of force are investigated promptly, impartially and effectively, that those responsible are brought to justice and victims granted full reparations.

The Committee expressed concern over the long-standing conflict between nomadic cattle herders, in particular the Fulani herders and associated militia, and farmers, notably in the Middle Belt region, which has led to thousands of deaths and displaced persons. The Committee was also concerned about allegations of excessive use of force by the Nigerian air force, including firing rockets at villages in order to counter spiralling communal violence. The Committee regretted the lack of information about specific measures taken by the State party to ensure safety and security in the region; about the outcomes of investigations; and the provision of victims with the infrastructure for safe shelters (arts. 6, 7, 9 and 14). The Committee requested the Nigerian Government to strengthen its efforts to ensure: (a) safety and security in the region, including through providing safe shelters, especially for women and children; and (b) that all attacks and acts of inter-ethnic violence and allegations of excessive use of force by governmental actors are investigated, those responsible are brought to justice and victims granted full reparations.

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The Committee was concerned about the violence and widespread human rights abuses committed by Boko Haram since 2009 in large parts of the north-east of the State party against the civilian population, including executions, abductions, torture, rape and the use of children in hostilities and for the commission of atrocities. The Committee was also concerned about allegations of serious human rights violations by the Nigerian security forces and the Civilian Joint Task Force in the course of security operations against Boko Haram. It was also concerned about the bombing of a camp of internally displaced persons by the Nigerian air force in January 2017, in which at least 167 individuals were killed, and the lack of information about the outcomes of the investigation of this incident (arts. 2, 3, 6, 9 and 24).

Nigeria was requested to conduct prompt, impartial and effective investigations into allegations of human rights abuses committed in the context of the conflict with Boko Haram, both by non-State and State actors, in order to identify, prosecute and punish those responsible, and ensure that victims have access to effective remedies and full reparation. It should take steps to increase the transparency of the investigations, including publishing their findings. The State party should also take measures to ensure the safety and security of the population affected by the conflict and to prevent violations of their human rights by any party to the conflict.

While welcoming the adoption of the Anti-Torture Act of 2017, the Committee was concerned about allegations that the use of torture, including for obtaining confessions from persons in custody, remains frequent among law enforcement agents in the military and the police, in particular among agents of the Special Anti-Robbery Squad. The Committee was also concerned about the lack of provision for the rehabilitation of victims of torture. While noting the establishment of the Complaint Response Unit in 2015, the Committee regretted the lack of information about cases of torture and ill-treatment during the reporting period (art. 7).

Nigeria was requested to: (a) ensure prompt, thorough and effective investigation of all allegations of torture and ill-treatment, prosecute the perpetrators, punish them, if convicted, with penalties commensurate with the gravity of the offence and provide effective remedies for the victims, including rehabilitation; (b) ensure that confessions obtained by coercion are never admissible in legal proceedings; and (c) take all measures necessary to prevent torture, including by strengthening the education and training of judges, prosecutors, the police and military and security forces. Specific efforts should be made to ensure that the Special Anti-Robbery Squad operates within the applicable international standards.

The Committee remained concerned about the poor conditions of detention in police cells, military detention facilities and other places of detention, in particular regarding overcrowding, sanitary conditions and access to medical care, food and water (arts. 7 and 10). In accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the Committee recommended that the State party should take steps to: (a) improve the living conditions and treatment of prisoners, including by ensuring their access to proper medical care; (b) eliminate prison overcrowding, including by implementing a policy on the use of non-custodial sentences; (c) renovate existing detention centres and build new ones; and (d) carry out training activities for justice officials and prison staff throughout the country.

The Committee was concerned about allegations of arbitrary arrests by law enforcement agents, including members of the Civilian Joint Task Force; the arrest of a large number of women, without charge, for alleged links with Boko Haram by the military; lengthy pre-trial detention and incommunicado detention, especially in cases involving suspected Boko Haram fighters; frequent denial of basic legal safeguards, such as the right to be informed of charges and the right to communicate with a lawyer or to notify family members; and a discretionary granting of bail (arts. 2, 9 and 14). The government of Nigeria was asked to take steps to ensure that: (a) no one is

arbitrarily arrested or detained and that detained persons enjoy all legal safeguards in accordance with articles 9 and 14 of the Covenant; (b) all cases of arbitrary arrest are investigated and those responsible are subjected to disciplinary action or judicial CCPR/C/NGA/CO/2 8 proceedings and, where appropriate, full reparation is provided; and (c) pre-trial detention is used only as an exceptional measure and is not excessive in length.

The Committee expressed concern over reports of political influence and corruption in the judiciary, the limited role of the National Judicial Council in the appointment of judges and delays in the administration of justice linked, inter alia, to a lack of resources and staff. The Committee was concerned about the reported absence of legal representation in some criminal cases, the general nature of some charges and mass trials of terrorist suspects (arts. 7, 9 and 14). Nigeria was requested to take measures to strengthen the independence of the judiciary. It should also ensure fair trial safeguards, including by providing legal aid in criminal cases, and reduce delays in the administration of justice, inter alia by providing adequate resources and staff.

While noting the steps taken towards the passage of the digital rights and freedom bill, the Committee was concerned about reports of website shut-downs and an increased monitoring of online activities by the Government, particularly social media. The Committee was also concerned that the Terrorism (Prevention) Act and the Cybercrimes Act of 2015 provide for broad authority with respect to surveillance measures (art. 17). The State party was asked to speed up the process to pass the digital rights and freedom bill and take all necessary measures to ensure that all surveillance activities are in keeping with its obligations under article 17 of the Covenant and that any interference with the right to privacy is governed by law and conducted in accordance with the principles of necessity and proportionality and subject to effective safeguards.

The Committee was concerned about reports of large-scale evictions and demolition of homes since 2013 and particularly in 2016 and 2017, especially in Lagos State in the Ilubirin and Otodo-Gbame communities, involving the excessive use of force by law enforcement agents and unidentified armed men assisting demolition teams, leading to death and destruction through fires during these events (arts. 6, 7, 17 and 24). The government was requested to take measures to: (a) investigate these allegations and grant victims full reparation and where necessary take disciplinary measures against those responsible; (b) ensure adequate safeguards and effective participations in decisions by the community concerned to avoid forced evictions; and (c) ensure the provision of alternative accommodation.

The Committee was concerned about allegations of discrimination against religious minorities, including discrimination against Christians in the northern states in terms of access to education, employment and land permits to build churches. It was also concerned about reports of hate speech and incitement to religious hatred and violence, particularly in the northern states against religious minorities. The Committee in addition, expressed concern about the pending bill in Kaduna State that would require all preachers to obtain licenses to preach or risk fines or imprisonment, and reports of its restrictive effect on church activities (arts. 2, 6, 12, 18, 20, 21, and 26).

The State party was asked to guarantee the effective exercise of freedom of religion and belief in practice and refrain from any action that may restrict it beyond the narrowly construed restrictions permitted under article 18 of the Covenant. It should take measures against discrimination and hate speech and incitement to hatred and violence aimed at any religious community. The Committee was concerned that sections 52 and 60 (ch. 7) of the Criminal Code provide that slander, libel and defamation are criminal offences punishable by imprisonment. It is also concerned about reports that accusations of libel are used by State authorities against journalists in retaliation for negative reporting, that bloggers criticising the Government have allegedly been detained or arrested for such activities and that hate speech legislation is applied over-broadly. The Committee is also concerned

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that the Trade Unions Act of 1973, in particular, section 3 (1) and (2), unduly restricts the establishment and activities of trade unions. The Committee was concerned about allegations of threats against and harassment, arbitrary arrest and killings of trade union activists (arts. 6, 7, 19, and 21).

The Nigerian Government was requested to decriminalise slander, libel and defamation, ensure that imprisonment is never a punishment for such acts and that criminal laws, including hate speech provisions, are not improperly used against journalists, members of the political opposition and others criticising the Government. It should promptly and thoroughly investigate all reported cases of the harassment, arbitrary arrest and detention of bloggers, journalists and human rights defenders, bring the perpetrators to justice and provide victims with full reparations, and take specific measures to protect journalists and human rights defenders. It further called on the State party to review the Trade Union Act to ensure its compliance with the Covenant and investigate all allegations of threats against, harassment, arbitrary arrest and killings of trade union activists, prosecute the perpetrators and provide victims with full reparation.

While noting the State party's stated commitment to democratic elections and the fact that election monitors did not dispute the results of the 2019 elections, the Committee was concerned about reports of violence, including killing, institutional shortcomings identified by international observers, the low turnout of voters and the insufficient representation of women among candidates during the last presidential and legislative elections (arts. 3, 25 and 27). The Committee asked the State party to adopt the necessary measures to: (a) remedy institutional shortcomings in order to guarantee free and fair elections, including providing the Independent National Electoral Commission with adequate resources; (b) ensure that the effective exercise of voting rights is guaranteed to all and that persons with the right to vote, as well as activists and candidates, are protected from violence and threats; and (c) effectively promote the participation of female candidates in elections.

The Committee noted with regret the lack of a comprehensive policy to protect the rights of ethnic minorities, including the linguistic rights of ethnic groups with lesser-used languages. The Committee was concerned about reports of discrimination against certain ethnic minorities in various aspects of their lives, including access to education and employment due to the differential access of indigenous persons and settlers, segregation from society of some groups such as the Osu, and the mistreatment of and acts of violence, including incitement to racial hatred, against the Igbos. The Committee expressed regrets that ethnic minorities are not adequately represented at governmental levels or are excluded from decision-making on issues of particular concern to them, as is the case for example in respect of the Ogoni and Ikwerre regarding natural resources (arts. 2, 25, 26 and 27).

The State party was requested to consider the adoption of a comprehensive policy and strategy to protect the rights of ethnic minorities. It should take measures to address discrimination against ethnic minorities, their segregation and mistreatment, and investigate all acts of violence and incitement to hatred against members of ethnic minorities, bring the perpetrators to justice and provide reparations to victims. The State party should also ensure that ethnic minorities are adequately represented at governmental level and their effective participation in decisions-making, especially on issues of particular concern to them.

The Committee requested the Nigerian Government to widely disseminate the Covenant, the written replies to the Committee's list of issues, and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organisations operating in the country and the general public.

In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party was requested to provide, by 19 July 2020, information on the implementation of the recommendations made by the Committee concerning: Maternal mortality, reproductive rights and termination of pregnancy; Inter-communal and inter-ethnic violence; and Conflict with Boko Haram and civilian protection.

The Committee also requested the State party to submit its next periodic report by 2025 and to include in that report specific up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requested the State party, in preparing the report, to broadly consult civil society and non-governmental organisations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The Committee encouraged all States to follow the simplified procedure when submitting their reports. Should the State party wish to follow the simplified reporting procedure for its next report, it was requested to inform the Committee accordingly, within one year of receipt of these concluding observations. The State party's replies to the list of issues prepared by the Committee under the simplified reporting procedure will constitute the next periodic report to be submitted under article 40 of the Covenant.¹²

2.6 The State Party Report on follow up to Concluding Observations

In addition to the concluding observations and concerns in paragraph 2.9 above, which the Nigerian Government was requested to respond to, there was also a follow-up letter written to the government by Vasilka Sancin, the Human Rights Committee's Special Rapporteur for Follow-up to Concluding Observations on 1 December 2021. Sequel to the follow-up letter, on 7 March 2022 the government sent its State Party Report, the content of which is presented below. Nigeria's response maintained that the following measures had been undertaken and updated since 2019: Training of health workers in Borno State on BEMONC Skills in collaboration with SMOH/SPHCDA/IRS; Establishment of MPCDSR Committees in all the states in North East; Creation of Department of Family Health/RMNCAEH+N in all the states in North east for better coordination and implementation of activities that reduces maternal, perinatal and child mortality. (Only Gombe State completed); National Assembly passed MPDSR Bill awaiting Presidential accent; v. National MPCDSR Electronic Platform to collect data from rural, poor area facilities for planning and decision taking; Effective and efficient collaboration of Department of Family Health with National Primary Health Care Agency on RMNCAEH+N activities.

In addition, it was also reported that the Nigerian government was implementing interventions towards repositioning the Unsafe Abortion Services (Post Abortion Care) to Nigerians of reproductive age across the 36 States and FCT, Abuja. Key interventions in this regard include the under listed: (a) Develop guidelines on Legal Therapeutic Abortion; (b) Capacity Building on Safe Abortion Care; (c) Community Dialogue on Unsafe Abortion (MNCH). The government had also undertaken the underlisted: Implementation of BHCPF to revitalise health facilities and services; Establishment of NHIS including social and community health insurance to enhance UHC and remove out of pockets expenditures for health services. Furthermore, the Nigerian government was reported as implementing interventions towards repositioning the National Family Planning Programme and support scale-up of the provision of quality family services to Nigerians of reproductive age across the 36 States and FCT, Abuja.

Key interventions in this regard include the underlisted: (a) Approval of policy making family planning information, services and commodities free at public health facilities in Nigeria; (b) National Family Planning Goal set at 27 per cent modern Contraceptive Prevalence Rate (m CPR) to be achieved by 2024; (c) The Nigeria Family Planning Blueprint (Scale-Up Plan) developed to serve as reference

¹²[Treaty bodies Download \(ohchr.org\)](#)CCPR/C/NGA/CO/2 – Accessed 8/29/2022

document for the scale-up effort. Key Guidelines and Training Manuals have been developed to facilitate Programme implementation; (d) Federal Government of Nigeria is committed to payment of the sum of Four Million United States Dollars (USD4 Million) as Government Counterpart Contribution (GCC) for procurement of family planning commodities; (e) "Basket Fund Initiative" established for payment of monies from Development Partners as well as Government (GCC) and facilitate transparent utilisation of such monies for procurement of family planning commodities by the United Nations Population Fund (UNFPA) in line with Memorandum of Understanding between FMOH and UNFPA; (f) Continuous Expansion of the Family Planning Method Mix in the country with new family planning products for improved autonomy and choice of method for all clients; (g) Continuous training and retraining of FP service providers on counselling and service provision on all methods (including short, long-acting reversible and permanent methods).

Other milestones cited were: Approval of the Task-Shifting and Task-Sharing Policy to enable building of capacity of more health workers (especially lower cadre officers) to provide a wider range of FP services including the long-acting reversible contraceptives. The National Council on Health, the highest policy-making body on health matters in Nigeria approved the extension of the implementation of the first plan to 2016. The second National Strategic Health Development Plan (NSHDP II) 2018-2022 is anchored on the New National Health Policy (2016) which has been developed taking into consideration Nigeria's aspiration to attain Universal Health Coverage (UHC) for all Nigerians, leveraging on functional 10,000 PHCs across the country, the Millennium Development Goals (MDGs) unfinished business and the Sustainable Development Goals (SDGs), the Economic Growth and Recovery Plan (ERGP) 2017-2020.

The second plan takes a more comprehensive, inclusive and the holistic approach. It is organised along five strategic pillars; (i) Enabled Environment for attainment of sector outcomes which focuses on Leadership and Governance, Community Participation and Partnership for Health; (ii) Increased Utilisation of Essential Package of Health Care Services which covers RMNCAH and Nutrition, Communicable and Non-Communicable Diseases, Mental Health, Care of the Elderly, NTD's etc.; (iii) Strengthened Health System for Delivery of Package of Essential Health Care Services which focuses on Human Resources, Health Information System, Medicines, Vaccines and other Technologies, Research etc.; (iv) Protection from health emergencies and risks as well as; and (v) Increased Sustainable, predictable Financing and Risk Protection which only focus is Financing Health.

Further, to improve exclusive breastfeeding rate, the Federal Ministry of Health is collaborating with Federal Ministry of Labour and Employment to fast track the implementation of paid extension of paid maternity entitlement from 16weeks to 18weeks and continue advocacy to 24weeks (which is 6months) in line with the resolution of the 59 National Council on Health Resolution. In addition, the Honourable Minister of health, DR. OSAGIE EHANIRE on the 12 October 2020, launched the Nigeria Reproductive, Maternal, New-born, Child, Adolescent and Elderly Health Plus Nutrition (RMNCEA+N) Multi-Stakeholder Partnership Coordination Platform as part of effort to reduce maternal mortality in the country. The platform seeks to improve the well-being of women, children, adolescents and elderly in Nigeria. The initiative as reported, would cost at least \$252 million (two hundred and fifty-two million US dollars) for the full implementation of the Blueprint across Federal, State, Local Government and community levels. With Nigeria's high mobile phone coverage, Government is planning to use mHealth to reduce inequities in maternal mortality, reproductive rights, and pregnancy termination which has been identified as a low-hanging fruit that is being thoroughly exploited. Legislation will be enacted to assist Nigerian public health authorities in quickly adopting mobile health to overcome distance and skill gaps and enhance maternal health services such as antiretroviral adherence, sexually transmitted infection prevention, and perinatal and postnatal care.

Concerning the issues raised by the Committee on Inter-communal and Inter-Ethnic Violence, the response from the Nigerian Government listed the following actions taken by the government since 2019: (a) In 2019, the Nigeria Security and Civil Defence Corps–Agro Rangers came into force as part of the Federal Government’s Agro Rangers programme designed to protect farmers. The NSCDC has deployed 3,000 Agro Rangers to forestall attacks on farms by herdsmen, particularly in parts of Benue, Taraba, Plateau, Niger, Nasarawa and Kaduna States, among others, and boost farmers’ confidence to work on their farms without fear of attack; (b) Measures to ensure safety and security: Capacity building aligning soft target with critical infrastructure protection effort and development of a national protection strategy; and (c) Draft National Policy on Prevention of Civilian and Civilian Harm Mitigation (POC-CHM) 2021 in response to UN Convention in Africa has been domesticated and processed by the Ministry of Interior for inputs. The implementation of this policy when enacted would provide more information on outcomes of investigation.

The Nigerian Government reported that apart from the Federal Republic of Nigeria’s 1999 Constitution, the Terrorism Prevention Amendment Act (2013), the National Action Plan for Preventing and Countering Violent Extremism (PCVE, 2017), and the National Security Strategy (NSS, 2019) are all relevant institutional frameworks for counter-insurgency operations in the northeast and across Nigeria. While Section 1A (1) of the Terrorism Prevention Amendment Act (2013) empowers the Office of the National Security Adviser to coordinate all security and enforcement agencies in Nigeria’s fight against terrorism, Section 1(2) of the amended Act entrusts the implementation and administration of the Act to the Attorney General of the Federation in accordance with existing international laws and best practices. Similarly, Section 1(3-6) of the Act specifies that the primary role of security and law enforcement agencies in the fight against terrorism is to enforce counter-terrorism legislations through the adoption of measures.

In compliance with Nigeria’s obligations under related Conventions, the Chief of Army Staff issued the Chief of Army Staff’s Policy Directive to commanders at all levels to prevent violations and improve compliance with Nigeria’s domestic and international laws guiding the conduct of operations by Nigerian Army personnel. The policy directives require all personnel of the Nigerian Army to comply with the principles and spirit of the International Human Rights Law during all Internal Security operations and other Military Assistance to Civil Authorities operations that the Nigerian Army may be deployed to in accordance with sections 217(2) a, b, c, d, and 218(3) of CFRN 1999 (as Amended). There was also capacity building of security personnel to enhance synergy, joint operations intelligence sharing and community cooperation with understanding of human terrain mapping for operational purpose.

In addition, it was reported that the Service Compact with all Nigerians, “SERVICOM” initiative has been strengthened in relevant Ministries and agencies with the appointment of Desk officers to attend to complaints by the public. They ensure redress for grievances and help to protect the human rights of complainants. Officers of the legal departments of the Ministry and its agencies are trained on conducting thorough investigation into violations of Human Rights issues. Furthermore, there is the Countering Violent Extremism Programme (CVE). The programme aims at stemming the tide of radicalisation in the country, reducing violent activities, changing the behaviour of violent extremists and promoting core national values. The programme has three streams: (a) Counter Radicalisation, (b) De-radicalisation, and; (c) Strategic Communication.

The following projects and activities were carried out under the CVE programme. (a) Education Summit to raise awareness of the importance of education as a tool for CVE; (b) Piloting creative curriculum that encouraged critical thinking and logical reasoning; (c) Positive Voices Campaigns to promote community champions that stand up for tolerance and national identity; (d) Mapping of religious centres and faith-based organisations (FBOs); (e) Identification and training of imams to

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present moderate Islamic views; (f) Identification, registration and training of FBOs, CSOs and NGOs to aid the overarching goals of countering violent extremism; (g) Town hall and community dialogue meetings to improve internal community relations and relationship with the state; (h) Survey of economic activities and employment and income generation schemes for communities; and (i) Reintegration of reformed extremists to their families and communities.

Furthermore, according to the State Party Report of Nigeria, human rights curricular have been introduced in the training institutions of the various armed forces, the Nigerian Police Force and other law enforcement agencies in order to inculcate in the trainees the universal human rights values. Government has organised and will continue to organise human rights education and training for police and military officers to sensitise them on human rights issues through the National Human Rights Commission. In addition, the National IDPs Policy (2012) is a policy framework for safeguarding IDPs in Nigeria, especially displaced women, against human rights violations. It not only prioritises the protection of displaced women, but it also establishes a framework for seeking restitution and holding state and non-state abusers accountable for violations of displaced women's human rights. To achieve this goal, it is governed by a set of gender-sensitive general and humanitarian principles. Resettlement and rehabilitation of Internally Displaced Persons (IDPs) is currently ongoing in affected parts of the North East Nigeria.

The report further says, that the counterinsurgency operations in Nigeria's northeast have three difficult-to-achieve simultaneous goals. These include the protection of counterinsurgency forces, observance of human rights under the concept of distinction, and insurgent annihilation. On the one hand, there appears to be an irreconcilable tension between safeguarding counterinsurgency forces and eliminating insurgents, and on the other side, preserving individual human rights during counterinsurgency operations. The conflict is irreconcilable because the simultaneous pursuit of these three objectives usually entails a trade-off. The national security goals of protecting counterinsurgency forces and eliminating insurgents trump advancing the more sustainable goal and pathway to peace of respecting and protecting the human rights of civilians caught in the middle of the insurgency in the northeast, as evidenced by observed human rights outcomes of counterinsurgency operations in the northeast.

Nigeria reported the following under conditions of detention: (a) Transformation of the Nigeria Prison Service (NPS) to Nigerian Correctional Services (NCoS) through the instrument of the Nigerian Correctional Act 2019. The NCoS Act-2019 categorised the functions of the Correctional Service into Custodial and Non-Custodial Services in tandem with international best practices and UN Human Rights Convention/Goals. (b) The Ministry of Interior in collaboration with the Administration of Criminal Justice Monitoring Committee are working to ensure implementation of Administration of Criminal Justice in Nigeria in order to reduce overcrowding in custodial centres and ensure human rights of inmates are not violated while in detention. i. Construction of 3,000 capacity Custodial Centre in Kano, Bori, Karshi–Abuja respectively; and ii. major rehabilitation works of Custodial Centre/Repair of Barracks nationwide; ii. Periodic training and workshop sessions are organised for medical staff on eye, dental and general health care. ii. Staff enrolment in National Health Insurance Scheme (NHIS). iii. On-going re-organisation and restructuring of the mental and psychological.¹³

In addition to the State Party Reports, there were reports from civil society organisations. The Nigerian CSOs mentioned below, submitted shadow reports to the UN Human Rights Committee from 1996 to date: Joint submission by Advocacy for Women with Disability Initiative (AWWDI), Legal Defence and Assistance Project (LEDAP) and Women Enabled International (WEI) – 30 March

¹³[Treaty bodies Download \(ohchr.org\)](#)CCPR/C/NGA/FCO/2 – Accessed 8/29/2022

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2018.¹⁴Joint submission by The Advocates for Human Rights and the World Coalition Against the Death Penalty 30 April 2018;¹⁵The Centre for Reproductive Rights (the Center); Legal Defence and Assistance Project (LEDAP) and Women Advocates Research and Documentation Centre (WARDC);¹⁶ Access to Good Health Initiative (AGHI); The Initiative for Equal Rights (TIERS); Initiative for the Advancement of Humanity (IAH); International Centre for the Advocacy of the Right to Health (ICARH); Women's Health and Equal Rights Initiative (WHER); Trans and Intersex People for Human Rights in Nigeria (THRIN); Hope Alive Health Awareness Initiative (HAHAI) and Synergia – Initiative for Human Rights;¹⁷ Amnesty International;¹⁸ Christian Solidarity Worldwide(CSW);¹⁹ International Alliance for Peace and Development (IAPD);²⁰ Islamic Human Rights Commission (IHRC); Paradigm Initiative (PI). Others are the Centre for Reproductive Rights (the Centre); Women Advocates Research & Documentation Centre (WARDC) and Legal Defence and Assistance Project (LEDAP) 8 August 2018; Joint Submission by the World Coalition Against the Death Penalty 30 April 2018; Submission by IPAS Nigeria, 27 April 2018; Submission by the Global Initiative to End All Corporal Punishment of Children – 30th April, 2018; Indigenous People of Biafra (IPOB), 23 July 2020.²¹

¹⁴https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/NGA/INT_CCPR_ICO_NGA_31012_E.docx - Accessed 8/29/2022

¹⁵https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/NGA/INT_CCPR_ICO_NGA_31029_E.pdf - Accessed 8/29/2022

¹⁶https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/NGA/INT_CCPR_CSS_NGA_35126_E.docx - Accessed 8/29/2022

¹⁷https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/NGA/INT_CCPR_CSS_NGA_35448_E.pdf - Accessed 8/29/2022

¹⁸https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/NGA/INT_CCPR_CSS_NGA_35128_E.docx - Accessed 8/29/2022

¹⁹https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/NGA/INT_CCPR_CSS_NGA_35125_E.pdf - Accessed 8/29/2022

²⁰https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/NGA/INT_CCPR_NGO_NGA_34783_E.docx - Accessed 8/29/2022

²¹https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/NGA/INT_CCPR_AFS_NGA_46356_E.pdf - Accessed 8/29/2022

Chapter Three

CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE

3.0 Introduction

The Convention for the Protection of All Persons from Enforced Disappearance (CED) defines "Enforced disappearance" as "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorisation, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."²² The Convention, which was ratified by Nigeria on 7 July 2009, is the first universally legally binding human rights instrument concerning enforced disappearance. It outlines State parties' obligations vis-à-vis this phenomenon, as well as the victims' fundamental rights.

The Convention aims to criminalise and combat the grave human rights violation of enforced disappearance. The Convention focuses on the responsibility of States Parties to prevent and punish the crime of enforced disappearance and leans heavily on the General Assembly's Declaration on the Protection of All Persons from Enforced Disappearance, but with additional and increased criteria and requirements. The Convention recognised the right of families to know the truth regarding the circumstances and fate of the disappeared person, as well as the right of victims to reparation for the wrong that was done to them. It therefore places specific obligations on State Parties, monitored by an international committee of ten independent experts. To this end, countries are expected to submit an initial report four years after ratification, and provide additional information, as often as requested by the Committee.

Article 1 states that "no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance", thereby removing any justification by the State for persons to be kept in custody without any knowledge of their whereabouts. Article 6 goes on to describe enforced disappearance as a crime against humanity and urges States to: Investigate acts of enforced disappearance and bring those responsible to justice²³; Ensure that enforced disappearance constitutes an offence under its criminal law²⁴; Establish jurisdiction over the offence of enforced disappearance when the alleged offender is within its territory, even if they are not a citizen or resident²⁵; Cooperate with other states in ensuring that offenders are prosecuted or extradited, and assist the victims of enforced disappearance or locate and return their remains²⁶; Respect minimum legal standards around the deprivation of liberty, including the right for imprisonment to be challenged before the courts²⁷; Establish a register of those currently imprisoned, and allow it to be inspected by relatives and counsel²⁸; Ensure that victims of enforced disappearance or those directly affected by it have a right to obtain reparation and compensation²⁹. The right to obtain reparation covers material and dangers and, where appropriate, other forms of reparation such as: a)

²² Article 2, Convention on the Protection of All Persons from Enforced Disappearance

²³ Article 3, Convention on the Protection of All Persons from Enforced Disappearance

²⁴ Articles 4,6&7, Convention on the Protection of all Persons from Enforced Disappearance

²⁵ Article 9, ,,

²⁶ Article 15

²⁷ Article 17

²⁸ Article 17

²⁹ Article 24 (4), ,,

Restitution. b) Rehabilitation. c) Satisfaction, including restoration of dignity and reparation. d) Guarantee of non-repetition³⁰.

3.1 Initial State Party Report

Nigeria's first State Party Report on CED was due on 23 January 2013 but was submitted to the Committee on CED on 26 March 2021, i.e., nine years after its due date. The report was divided into three parts, Part I Introduction, Part II General legal framework under which enforced disappearances are prohibited and Part III Information about each substantive article of the Convention. The report acknowledged that by ratifying the Convention on the Protection of All Persons from Enforced Disappearance, Nigeria undertook the obligation of implementing the same through its national legislation and taking measures to prevent and punish enforced disappearances. Also, at the time of deposit of instruments of ratification, Nigeria recognised the competencies of the Committee on Enforced Disappearances granted by provisions of Art. 31 and 32 of the Convention to receive and consider communications from or on behalf of individuals under its jurisdiction the competence of the Committee to receive and consider communications in which a State party claims that another State party to the Convention is not fulfilling its obligations.

According to the report, although there is no specific legislation creating an offence of "enforced disappearance", the core provisions of the Convention have their equivalents under the Constitution of the Federal Republic of Nigeria 1999 (as amended), relevant international legal instruments to which Nigeria is a party as well as various national legislative provisions, which prohibit and penalise acts of enforced disappearance. In addition to the constitutional guarantees of rights to dignity of the human person and personal liberty, there are national and state laws that prohibit acts of the enforced disappearance of persons. The report cited Chapter IV of the Nigerian Constitution as containing provisions dealing with fundamental rights. These provisions protect the right of all persons not to be arbitrarily deprived of their liberty and, in case of detention, sets out a series of basic safeguards which must be complied with. The constitutional guarantees, especially sections 35 and 36 of the 1999 Constitution, are further discussed under article 17 below. Regarding domestic criminal law, the report cited the Criminal Code (Cap 77, LFN 1990, applicable in the southern states), the Penal Code (Cap 53, LFN 1990, applicable in northern states), Anti-Torture Act, 2017, the Administration of Criminal Justice Act, 2015 and the Child Rights Act (2003).

In the area of administrative institutions, the report stated that the Nigerian government has established the National Human Rights Commission (NHRC), which has been awarded 'A' status by the Global Alliance of National Human Rights Institutions and has benefited from technical assistance and capacity building initiatives of the UN and donors to enhance its monitoring, reporting and investigation activities. The Commission has actively engaged the Army and security agencies regarding ongoing counter-insurgency operations through organising human rights dialogues between the Army and civil society organisations to enhance cooperation. It has held public hearings on evictions and violations by law enforcement and also coordinated independent monitoring by NGOs of the mass trial of some Boko Haram detainees. The Commission has also undertaken prison audits and monitored human rights aspects of elections. In 2015, the military authorities granted the Commission access to monitor court-martials of military officers in cases of human rights abuses and violations.

The report emphasised that International human rights law is essential for the Nigerian system as a means of explaining and interpreting the scope and content of the rights and liberties enshrined in the Nigerian Constitution. To fully appreciate this interpretative function, such international law must be integrated into the Nigerian legal system through ratification. Nigeria is a party to several international treaties that deal with enforced disappearance. However, Nigeria adopts the dualist

³⁰ Article 24 (5), „

approach in the execution of international treaties to which she is a party. As a result, treaties validly concluded between Nigeria and other subjects of international law do not automatically transform into Nigerian laws without legislative intervention. Thus, they must be specifically enacted into law by the National Assembly by section 12 of the 1999 Constitution before they can have the force of law.

The report stated that it is very clear from the language of section 12 (1) of the 1999 Constitution that undomesticated treaties have no force of law in Nigeria, though they may still play crucial roles in the enthronelement of a viable domestic legal system in Nigeria. Nevertheless, once a treaty is domesticated, it becomes an integral part of the country's legal framework and its provisions have constitutional status. In the case of *Abacha v. Fawehinmi*, the Nigerian supreme court approved the principle enunciated in the Privy Council's decision in *Higgs & Another v. Minister of National Security & Others*, where it was held that before its enactment into law by the National Assembly, a treaty would not have the force of law as to make its provisions 'justiciable' in Nigerian courts. However, in the same case, the Supreme Court equally stated that in the event of a conflict between the provisions of a statute with "international flavour" – that is a statute which ratifies an international treaty – and those of another statute, the provisions of the statute with an international flavour will prevail over that of the other statute.

According to the report, provisions of the Convention may be invoked in court because it is part of the internal legal order, as the country's judges are required to ensure compatibility with treaties; that is, they must consider national legislation in the light of the treaties to which Nigeria is a party, including the Convention. Relevant provisions of the Constitution which would be violated by an act of enforced disappearance are enforceable by civil action by or on behalf of the victim in the High Court of a state or Federal High Court in matters involving the Federal Government or its agencies. Such an application can be brought not only for redress for actual contravention of the Constitution but also to restrain its contravention. Legal and institutional mechanisms exist for legal aid assistance to any indigent citizen where his/her right under the Constitution has been infringed or to enable him to engage the services of a legal practitioner to prosecute his/her claim (section 46 of the Constitution; section 8 Legal Aid Act 2011).

The report stated that, where the act of enforced disappearance constitutes an offence under a law enacted by the National Assembly, the prosecution for the offence is undertaken by the Office of the Attorney-General of the Federation in the Federal High Court, whereas the Attorney-General of a state will have prosecutorial powers over offences at the state level. It also noted that the Nigerian Police has powers under the law to prevent, detect, investigate and prosecute offenders. And where an act of enforced disappearance is approached from the point of breach of fundamental rights provisions of the Constitution, both the Federal and State High Courts have jurisdiction to hear and determine the matter and award appropriate remedy.

As already stated above, the National Human Rights Commission of Nigeria (NHRC) established by the NHRC Act 1995 in line with Resolution 48/134 of the United Nations General Assembly serves as an extra-judicial mechanism for the respect and enjoyment of human rights. It also provides avenues for public enlightenment, research, and dialogue to raise awareness of human rights issues. The commission has established a robust and effective complaint treatment mechanism both at its headquarters and zonal offices for handling all complaints of human rights violations free of charge, including cases of enforced disappearances. The Commission has powers to enforce its decisions and the decisions of the Commission's Governing Council are registrable as decisions of the High Court. It can institute civil action on any matter it deems fit about the exercise of its functions that refers to any matter of human rights violation requiring the prosecution to the Attorney General of the Federation or of a State, as the case may be. There has been a high level of compliance with the decisions of the commission by alleged violators of human rights.

In respect of cases of enforced disappearance involving human trafficking, the report stated that the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) created by the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2003, was in fulfilment of the country's international obligation under the Trafficking in Persons Protocol to prevent, suppress and punish trafficking in persons, especially women and children. It supplements the United Nations Transnational Organised Crime Convention (UNTOC), and has powers of investigation and prosecution of cases of trafficking in persons forced labour, child labour, forced prostitution, exploitative labour and other forms of exploitation, slavery and slavery-like activities, bonded labour, removal of organs, illegal smuggling of migrants, sale and purchase of persons.

According to the report, acts of enforced disappearances have been on the increase in Nigeria recently. The major events that have led to an increase in acts of enforced disappearances in the country are: Militancy in the Niger Delta Region: Under agitation for resource control by indigenous people of the Niger Delta region (the oil-producing area of the country), several armed groups sprang up in the area. The groups, under the guise of agitation for resource control, engaged in acts of violence such as the abduction and kidnapping of expatriate and Nigerian oil workers and other individuals for ransom and carried out attacks on critical oil installations. Boko Haram Insurgency in the Northeast: By 2009, the Islamic sect, Jama'atu Ahlis Sunna Lidda'awatiwal-Jihad – which in Arabic means "People Committed to the Propagation of the Prophet's Teachings and Jihad", or simply as Boko Haram which loosely translated from Hausa means "Western education is forbidden" – commenced military operations in the north-eastern part of the country to create an Islamic caliphate. Founded earlier in 2002 in Maiduguri, Borno State by Mohammed Yusuf (late), the sect had by 2015 rapidly grown into a ravaging army occupying a sizeable part of the northeast of the country. Thousands of civilians were killed in attacks by members of the sect while over one million were displaced from their homes.

Herdsmen and Crop Farmers Clashes: Clashes between pastoralists (cattle herders) and crop farmers have been on the increase. The most impacted states are those in the Middle Belt region of the country like Benue, Taraba, Plateau Kaduna and Nasarawa. Whenever and wherever such clashes occur, human lives are lost and properties, including homes, farms and cattle are destroyed. There have been reported cases of missing persons who are never seen after such incidents. **Communal Conflicts:** This is another source of the disappearance of persons. Such communal conflicts usually involve disputes over land between indigenes and settlers. Residents of Jos, Plateau state, live in constant danger due to repeated incidents of communal violence, including bombings, and gun and machete attacks. Hundreds of homes have been razed and thousands of people killed since 2001. Sometimes innocent citizens who are not in any way involved in the conflict are killed on suspicion that they are from the opposing community. For example, on 3 September 2018, Major General Idris Alkali (rtd.), who was travelling from Abuja to Bauchi through Plateau State, disappeared. Following an intensive search by a military task force set up by the Chief of Army Staff on 30 October 2018, the dead body of General Alkali was recovered from an abandoned well in Guchwet, Jos South Local Government Area of Plateau State.

The report cited recent cases of high-profile kidnapping in the country to include; (1) Abduction of Mrs Margaret Emefiele, the wife of Nigeria's Central Bank Governor, Godwin Emefiele along the Benin-Agbor Road on Thursday, 29 September 2016; (2) Abduction of Oba Oniba of Ibaland, Oba Yushau Oseni from his palace by gunmen on 16 July 2016; (3) A priest, Reverend Father John Adeyi was kidnapped on 24 April 2016 who was killed by his abductors after they had collected two million Naira ransom from his family members; (4) Chief Olu, a former Minister of Finance was kidnapped by six Fulani herdsmen at his Ilado home in Akure, Ondo state on 21 September 2015. He was released after an undisclosed amount of ransom was paid by his family; (5) A former Senator, Mr. Patrick Ani, was kidnapped on 8 July 2016 and regained his freedom after thirteen days; (6) Professor

James Adiche, the father of a popular Nigerian author, Chimamanda Adiche, was abducted on 2 May 2015. An undisclosed amount of money was paid to the kidnappers before he was freed.

As aforementioned, the report proceeded to give information about Nigeria's implementation of each substantive article of the Convention in the succeeding paragraphs. I find that the succeeding paragraphs can hardly be summarised. All info seems quite important for this report. The report declared that the Constitution of the Federal Republic of Nigeria made adequate provisions on the right not to be subjected to enforced disappearance. However, under s. 305 (1) of the Constitution, the President may by instrument published in the Official Gazette of the Government of the Federation, issue a Proclamation of a state of emergency in the Federation or any part thereof. But the power of the President to proclaim an emergency can only be exercised during any of the situations listed in s. 305(3) (a)–(g) which includes when the country is at war; in imminent danger of invasion or involvement in a state or war, or when there is an actual breakdown of public order and safety to such extent that requires extraordinary measures to restore peace and security and occurrence or imminent danger of the occurrence of any disaster or natural calamity, affecting the community or a section of the community in the federation.

Also, under the Nigerian Anti-Torture Act 2017, no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture, secret detention places, solitary confinement, incommunicado or other similar forms of detention, where torture may be carried on, as all are prohibited.

It was reported that Nigeria has enacted a law which deals specifically with terrorism. The Terrorism (Prevention) Act, No. 11 of 2011(as amended) prohibits acts of terrorism which are defined very broadly to include an act which is deliberately done with malice, aforethought and which may seriously harm or damage a country or an international organisation. The report also stated that Nigeria has signed several international and regional treaties on terrorism. Among them are the International Convention against the taking of Hostages in 1979 and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. ECOWAS Convention A/SP1/12/01 on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, 2001 (amended).

According to the report, Nigeria has no domestic law that defines enforced disappearance, rather various acts that amount to enforced disappearance are defined and prohibited in several legislative instruments. Enforced disappearance is treated as a separate offence when it constitutes a crime against humanity. Reference is made in this connection to the comments made in respect of article 5 of the Convention below. There are provisions in Nigeria's criminal statutes that can be invoked to punish the perpetrators of component acts. These include the prohibition of kidnapping and unlawful deprivation of liberty; kidnapping and wrongful confinement; murder, kidnaps or attacks on the person or liberty of an internationally protected person (S.3, Terrorism (Prevention) Act, as amended); prohibition of acts of trafficking in persons (Ss. 13–25, Trafficking in Persons Enforcement and Administration Act 2015).

The report further cites Nigeria's Anti-Torture Act 2017 which prohibits physical harm, force, violence, threat or intimidation of suspects, detainees and prisoners. The anti-torture act also prohibits the confinement of persons in solitary cells against their will or without prejudice to their security (S. 67.1). The criminal provisions are reinforced by the provisions relating to arrest, bail and preventive justice under Sections 3–34 of the Administration of Criminal Justice Act 2015 which protects and safeguards the rights of suspects during arrest and detention and ensures humane treatment of persons suspected to have committed an offence.

On how the State prohibits and prosecutes the conduct defined in article 2 of the Convention when it is committed by non-State entities (Article 3) it was reported that the acts defined in article 2 of the Convention if committed by persons or groups acting without the authorisation, support or acquiescence of the State, may depending on the case, constitute acts of torture, inhuman treatment, kidnapping, abduction and trafficking in person. Violations of human rights committed by persons or groups acting without the consent of the State may constitute acts of torture. They may also amount to violations of the individual right to dignity and liberty.

The report postulates that even though Nigeria is yet to domesticate the Rome Statute of the International Criminal Court, which defines crimes against humanity are prohibited under domestic criminal laws as described under Article 2 of the Convention above. Meanwhile, a bill for an Act to provide for enforcement and punishment of war crimes, genocide and other related offences is pending before the National Assembly of Nigeria. The report notes that one outstanding challenge for Nigeria is the need to bring national criminal law into line with the international crimes described in the Rome Statute of the International Criminal Court and other instruments of international humanitarian law to which Nigeria is a party, including the crime of enforced disappearance under article 5 of the Convention, is a provision in the Constitution of the Federal Republic of Nigeria which states that "no treaty between the Federation and any other country shall have the force of law" unless enacted into law by the National Assembly (s.12 (1) of the Constitution).

According to the report, Nigeria's domestic criminal law adequately provides for criminal responsibility. Under S. 7 of the Criminal Code, when an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it: persons who do or omits to do the act amounting to the offence as well those who conspire with, procure, counsel, aid or abet other persons to commit the offence. Nigeria's criminal law prohibits invoking superior orders. The provisions, however, permit invoking such as a defence in a restricted manner. Specific provision is made for the protection of members of the armed forces and the police who acted in obedience to lawful commands of superior officers only concerning the suppression of riots. Even then, the command obeyed must not be manifestly unlawful (S. 280, Criminal Code).

Some of the specific criminal legislation prohibiting acts of enforced disappearance under Nigerian domestic laws make special provisions for the responsibility of members of the military, police, law enforcement officer, and senior government officials. The position of public authorities concerning the notion of "due obedience" as a criminal law defence has little or no impact on the effective implementation of the prohibition under the Convention. Under the Nigeria Police Regulation, officers who issue orders to lower-ranking personnel to commit prohibited activities are not immune from prosecution.

On criminal sanctions in the national criminal law for acts of enforced disappearance (Article 7), the report states that unlawful imprisonment is punishable by imprisonment for ten years, while unlawful detention of a person against his/her will is punishable by imprisonment for just two years. The anti-kidnapping law provides very severe penalties for kidnapping which in most cases range from life imprisonment to death, especially where the kidnapper is armed. Under both the Criminal Code and the Penal Code where death results from the unlawful act of abduction or kidnapping, the perpetrator shall be liable for the death and will be punished accordingly. Other relevant laws provide penalties including imprisonment and payment of a fine. The Anti-Torture Act provides a maximum penalty of 25 years. The Trafficking in Person Prohibition Act provides for imprisonment ranging from two to

seven years and penalties ranging from one million to ten million Naira. However, the penalties provided under the relevant law may be aggravated or mitigated by the circumstances of the offence. For example, where the victims are children and women or other members of vulnerable groups, the punishment may be more severe under the Trafficking in Person Prohibition Act. On the other hand, where the offender is a minor or did not employ any form of violence, the punishment may be mitigated.

According to the report, the Supreme Court of Nigeria in the case of *Paul Yabugbe vs. Commissioner of Police* held that even the statutory limitation of three months for actions against public officers under the Public Officers Protection Act does not apply to criminal prosecution of public officers for crimes. There is no time limitation both for criminal proceedings and sanctions in the relevant criminal statutes in Nigeria relating to the acts of enforced disappearance. A victim can bring a private action for redress during the pendency of the criminal prosecution against the alleged perpetrators. The Administration of Criminal Justice Act provides in S.320 (2) that the pendency of criminal proceedings shall not be a bar to a civil action in respect of the same subject matter. It is also always possible for a complainant to seek redress from the Court of Justice of the Economic Community of West African States, subject to the admissibility criteria governing complaints. It should be noted in this regard that the Court does not require the exhaustion of domestic remedies.

On measures taken to establish jurisdiction in the cases contemplated under paragraphs 1 and 2 of Article 9, the report states that, Section 12 (1) of the Nigerian Criminal Code applies territorially to every person who is in Nigeria. It provides that where, by any federal law, the doing of any act or the making of any omission is constituted an offence, those provisions shall apply to every person who is in Nigeria at the time of his doing the act or making the omission. Furthermore, section 14 of the Code punishes offences procured in Nigeria to be committed out of Nigeria, as if the offence had been committed within Nigeria. However, there are no examples of extraditions granted or denied. The report states that Nigeria's current laws on criminal procedure, the Administration of Criminal Justice Act 2015 and its adaptations in state laws, make elaborate provisions on arrest, pre-trial detention and bail. Nigeria is a signatory to the Vienna Conventions on Diplomatic and Consular Relations which obliges host countries to inform foreign nationals' consulates in the event of a prosecution or conviction. Nigeria has domesticated the conventions by the Diplomatic Immunities and Privileges Act 1962 (as amended) which applies throughout the country. However, it is reported that Nigerian law does not lay down any procedure for this, but law enforcement agencies as well as prison authorities, at the request of a detainee, will inform the relevant consulate.

The report states that Section 6 of the Constitution of the Federal Republic of Nigeria vests judicial powers of the federation and states on the courts. The powers so vested extend to all inherent powers and sanctions of a court of law, including criminal sanctions. The Magistrate/Area Courts of the states and the Federal Capital Territory, Abuja (FCT) have original jurisdictions in minor cases of acts of enforced disappearance. Appeals from these courts go to the Court of Appeal and thereafter to the Supreme Court. Nigeria's Constitution defines the relevant authorities, which include the Police, the Attorneys-Generals of the Federation and states as well as law enforcement agencies established under the relevant laws. The Police have powers under the Police Act to prosecute for all offences. The National Agency for the Prohibition of Trafficking in Persons (Prohibition), Enforcement and Administration Act, has prosecutorial powers concerning human trafficking. The

Nigerian Evidence Act which applies to all judicial proceedings in or before all courts provides the standard of evidence. Authorities that have powers to investigate and prosecute for acts of enforced disappearance include the Police, the Attorneys-General offices, and specialised agencies established under relevant laws.

In addition, every person charged with a criminal offence is entitled to be informed of the nature of the offence and given adequate time and facilities for the preparation of his defence. He can defend himself in person or by legal practitioners of his own choice; examine witnesses called by the prosecution before any court or tribunal; and obtain the attendance and examination of witnesses to testify on his behalf before the court. Without payment, he can have the assistance of an interpreter if he cannot understand the language used at the trial of the alleged offence. These constitutional provisions are reinforced by the provisions of the Administration of Criminal Justice Act.

The report states that the Administration of Criminal Justice Act and other relevant statutes relating to inquiries, search and investigations are used to clarify and establish the facts constituting acts of enforced disappearance such as kidnapping, abduction, confinement arbitrary detention, violence, etc. The police and judicial authorities are required to abide by the principle of equality and non-discrimination. Compliance with this principle may be monitored by international courts such as the Court of Justice of the Economic Community of West African States. The report also states that the principles of independence, impartiality and integrity of courts of law are established and maintained by S.17(2)(b) of the Constitution. A person alleging a violation of the principles of impartiality, equality and non-discrimination may bring an application for the enforcement of his or her fundamental rights under S.46 of the constitution. The Human Rights Commission and various human rights organisations also receive complaints and provide legal advice to victims.

According to the report, although there is no record of any complaint of enforced disappearance as defined in article 2 of the Convention from the Police and other authorities, the National Bureau of Statistics' record of reported crimes for 2017 shows that a total of 1,586 crimes involving acts of enforced disappearance were reported. Of this number, the thematic breakdown of the reported incidents shows that child stealing amounted to 345; slave dealing, 107 and kidnapping accounted for 1,134 (see Table 1 below).

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Reported Offences by Type and State 2017

<i>State</i>	<i>Child stealing</i>	<i>Slave dealing</i>	<i>Kidnapping</i>	<i>Total</i>
FCT-Abuja	3	-	49	52
AkwaIbom	52	6	11	69
Anambra	-	-	-	-
Abia	68	-	104	172
Adamawa	-	-	9	9
Bauchi	-	-	44	44
Benue	45	-	67	112
Borno	-	-	2	2
Bayelsa	4	-	53	57
Cross River	6	-	31	37
Delta	9	-	49	58
Ebonyi	6	-	98	104
Edo	8	16	2	26
Enugu	4	-	25	29
Gombe	-	-	10	10
Ekiti	-	-	3	3
Imo	-	-	33	33
Jigawa	-	-	5	5
Kaduna	-	-	64	64
Kano	-	-	43	43
Katsina	15	10	30	55
Kebbi	-	-	8	8
Kogi	-	-	46	46
Kwara	3	8	10	21
Lagos	65	41	98	114
Niger	1	-	30	31
Nasarawa	-	-	10	10
Ogun	4	-	15	19
Ondo	12	-	22	34
Oyo	8	2	2	12
Osun	1	1	15	17
Plateau	-	-	10	10
Rivers	31	23	82	136
Sokoto	-	-	27	27
Taraba	-	-	14	14
Yobe	-	-	3	3
Zamfara	-	-	9	9
Railway	-	-	1	1
Total	345	107	1 134	1 586

Data source: National Bureau of Statistics, "Crime Statistics: Reported Offences by Type and State (2017)" [https://nigerianstat.gov.ng/elibrary?queries\[search\]=crime](https://nigerianstat.gov.ng/elibrary?queries[search]=crime) (accessed 17 Jan. 2019).

In the same year 2017, the National Human Rights Commission reported that it received a total of twenty-three thousand, seven hundred and fifty-three (23,753) complaints of enforced disappearance and related offences, out of which one thousand, two hundred and thirty-one were for enforced disappearance while women and child trafficking accounted for 2,154 and 20,368 respectively (see Table 2 below).

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<i>Location/State</i>	<i>Enforced Disappearance</i>	<i>Women Trafficking</i>	<i>Child Trafficking</i>	<i>Total</i>
Headquarters	45	2	173	220
Lagos	76	5	1896	1977
Enugu	55	6	158	219
Rivers	3	2	344	349
Borno	84	8	1799	1891
Plateau	82	5	873	960
Kano	42	8	897	947
Abuja Metropolitan Office	3	88	68	159
Nasarawa	0	4	378	382
Benue	0	8	2113	2121
Anambra	9	321	1239	1569
Gombe	54	2	496	552
Edo	3	211	4667	4881
Kaduna	82	653	566	1301
Niger	9	4	344	357
Katsina	7	4	366	377
Kwara	3	8	442	453
Cross River	0	211	779	990
Adamawa	0	4	21	25
Ekiti	455	8	1002	1465
Akwa Ibom	3	371	86	460
Sokoto	54	211	462	727
Imo	84	8	756	848
Osun	78	2	443	523
Total	1231	2154	20 368	23 753

Data source: *National Human Rights Commission, Annual Report 2017, pp. 178–179, <https://www.nigeriarights.gov.ng/downloads/NHRC%202017%20Annual%20Report.pdf> (accessed 17 Jan. 2019).*

Nigeria's National Anti-Human Trafficking in Persons (Prohibition), Enforcement and Administration of Criminal Justice Act and other relevant statutes ensure that the authorities responsible for preliminary inquiries and investigation have the means to carry out their work, as required by the Convention. For example, the Counter-Terrorism Unit (CTU) deals with cases of terrorism; the Anti-Human Trafficking Unit handles cases of human trafficking while the Anti-Kidnapping Unit deals with cases of kidnapping and abductions. The National Human Rights Commission is empowered by section 6(d) of its enabling law to visit prisons, police cells and other places of detention. In addition to the police units aforesaid, the NAPTIP deals with cases of human trafficking created under the Trafficking in Persons (Prohibition), Enforcement and Administration Act.

Nigeria's National Human Rights Commission has as its key priorities training of the military, police and personnel of other law enforcement agencies as well as civil society groups, civil servants and judicial personnel on human rights standards. This includes soldiers deployed to the Northeast of Nigeria to fight against terrorism and insurgency. Between 2015 and to date, the Commission had trained over 5,000 personnel of the Nigerian military, the police and other security agencies. The number of CSO, public servants and judicial officers it has trained cannot be quantified. The report

states that although Nigeria has not signed any specific procedural treaty concerning the crime of enforced disappearance and has not received any extradition request. The existing described framework provides for all necessary measures and international legal pathways to ensure effective and fair implementation and practical realisation of the provisions of the Convention. .

The major laws that regulate extradition in Nigeria include: Nigeria's Federal High Court in Abuja has jurisdiction over extradition matters, as provided for in the Constitution of the Federal Republic of Nigeria, 1999 (as amended) The Constitution being the *grundnorm* in Nigeria vests jurisdiction over such matters on the Federal High court; The Extradition Act 15 is the primary legislation for extradition matters in Nigeria. It recognises two separate categories of States with which Nigeria has an extradition agreement. The Commonwealth States are included in the first category of States that have an extradition order published in the Federal Gazette. The second category consists of Commonwealth States; The Immigration Act makes provision for the procedure for the transfer of such a criminal to other countries if necessary; The Administration of Criminal Justice Act (ACJA) 2015, regulates criminal procedure in federal courts. ACJA is most relevant to procedural steps that relate to pre-proceedings and post-proceedings. Persons in detention pending extradition will be included in the monitoring activities of the Administration of Justice Monitoring Committee; The Extradition Act 17 makes provision for the mode of documentation and tendering of evidence regarding extradition. Under the Evidence Act, the existence of foreign law, which a fugitive is accused of violating, is a matter of fact.

By this exercise, the relevant foreign law is deemed to exist if mentioned in an arrest warrant issued by a foreign court; The Federal High Court (Extradition Proceedings) Rules 2015 were made to ensure clarity in extradition proceedings and to promote efficient and expeditious hearing of applications. Details of steps for extradition proceedings which are not provided in the Extradition Act do not cover many areas of proceedings as outlined in the Rules. It was also reported that Nigeria has extradition treaties with several countries, including the United States of America, South Africa, Liberia, and Britain. The 16 ECOWAS nations concluded the Economic Community of West African States Convention on Extradition in Abuja in 1994. Nigeria has also signed an extradition treaty with the United Arab Emirates (UAE). Nigeria had an extradition treaty with Benin, Ghana and the Republic of Togo which was the first multilateral treaty on extradition in the continent of Africa. Prior to that, Nigeria had extradition arrangements with the Republic of Liberia, the United States of America, the British Commonwealth nations and the British dependent territories.

According to the report, section 6 of the Extradition Act, authority for extradition matters rests with the Office of the Attorney General. This is in line with section 174(1) (a) of the Constitution of the Federal Republic of Nigeria, 1999. All extradition applications or any challenge to the validity or legality of pre-extradition steps are matters to be dealt with by the Federal High Court. However appellate proceedings may be instituted at the Court of Appeal and subsequently at the Supreme Court, both of which are federal courts. According to sections 6 (1) and (2) of the Extradition Act, a request for surrender of a Nigerian fugitive criminal of any country should be made in writing to the Attorney-General by a diplomatic representative or consular officer of that country. The documents that would accompany the request shall include: the affidavit deposed to by the designated officer of the requesting State; a duly authenticated Warrant of Arrest and/ or a copy of the judgment and sentence passed on the fugitive criminal. The Attorney General may by an order under his hand signify to a court that such a request has been made.

Those bars are discussed further in article 16 below. Also, according to the report, section 20(1) of the Extradition Act states that a fugitive may only be returned for a returnable offence. The Attorney General must consider the relative seriousness of the offences, if different. The Judge shall issue a warrant for the arrest of the fugitive if in his opinion there is enough evidence to justify such a

warrant of arrest, and the offence was committed in Nigeria or the fugitive had been convicted of the offence in Nigeria. By section 11(2), a prisoner serving a sentence under section 10 of the Act may, at the discretion of the President of Nigeria, be temporarily returned to another country within the Commonwealth in which he is accused of a returnable offence to enable proceedings to be brought against the prisoner concerning that offence, on such conditions as may be agreed between the President and the country requesting the surrender of the prisoner.

The report states that Nigeria may provide legal assistance when it is based on official bilateral or multilateral treaties signed based on domestic legal provisions and the principle of reciprocity even though Nigeria has not enacted comprehensive legislation on mutual legal assistance and has not yet received any request for assistance relating to enforced disappearance, under the country's legal framework. In this context, Nigeria has signed many agreements on legal cooperation at the regional level (with the member countries of the Economic Community of the West African States and the African Union), and at the international level (South Africa, Liberia, and Britain, the United States of America and the United Arab Emirate) were mentioned.

It was reported that Nigeria is a member of Interpol which has played a major role in the apprehension of international fugitives. Section 73 of the Trafficking in Persons (Prohibition and Enforcement) Act 2015 states that offences contained in the Act are considered to be extraditable crimes for which extradition may be granted. Under section 74 (1) of the Act, Nigeria may agree to cooperate in a criminal case, including in a case of enforced disappearance. Also, under section 74 (1) of the Act, the National Agency for the Prohibition of Trafficking in Persons with the approval of the Minister may disclose information relating to human trafficking in its possession to an appropriate foreign authority where a request for such disclosure is made.

The report states that although Nigeria has not signed or amended any agreements to provide assistance to victims of enforced disappearance or facilitate the search for victims. The existing framework for international cooperation, made up of bilateral and multilateral treaties on international legal assistance and cooperation, is adequate in taking the required steps and measures to fulfil obligations outlined in article 14. According to the report, Nigeria is a state party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The country domesticated the Convention in the Anti-Torture Act passed in 2017. The Convention expressly prohibits state parties from expelling, returning, "*refouler*", or extraditing any person to a state where there are substantial grounds for believing that he would be in danger of being subjected to torture.

It is reported that under the country's national law, section 3 of the Extradition Act provides that a fugitive criminal shall not be surrendered if he is likely to be prejudiced at his trial, or to be punished, detained or restricted in his liberty, because of his race, religion, nationality or political opinions. A fugitive criminal may be surrendered only if the Attorney-General or a court is satisfied that he has been convicted of the offence for which his surrender is sought. The National Human Rights Commission (NHRC) has as its key priorities training of the military, police and personnel of other law enforcement agencies as well as civil society groups, civil servants, and judicial personnel on human rights standards. Between 2015 and to date, the Commission had trained over five thousand personnel of the Nigerian military, the police and other security agencies on human rights standards. This includes soldiers deployed to the Northeast of Nigeria to fight against terrorism and insurgency and those deployed to other parts of the country in internal security operations.

The report states that deprivation of liberty is only lawful if it has been ordered by a court or – in exceptional cases – when the order was subsequently approved by a higher court in Nigeria. In all cases, Nigerian law guards against secret detention and confinement (whether by the police or any other agency) by requiring that all persons deprived of liberty be held in officially recognised,

regulated and supervised places. According to the report, Section 35 of the 1999 Constitution contains provisions that protect persons from secret detention. No person shall be deprived of his liberty save in the following cases and by a procedure permitted by law: (a) in the execution of the sentence or order of a court in respect of a criminal offence; (b) for the purpose of bringing him before a court or upon reasonable suspicion of his having committed a crime, or to such extent as may be reasonably necessary to prevent his committing a crime; and (c) in the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs or alcohol or vagrants; The report in addition, maintained that Section 1 (b) Provides that a person charged with an offence and who has been detained in lawful custody awaiting trial shall not continue to be kept in such detention for a period longer than the maximum period of imprisonment prescribed for the offence. Any person who is arrested or detained shall have the right to remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice.

Section 10(1) of the Violence Against Persons (Prohibition) Act, 2015 provides that a person who deprives another of his or her liberty, except pursuant to a court order commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or a fine not exceeding N500,000.00 or both. Similarly, section 8 (1), of the Administration of Criminal Justice Act (ACJA) 2015 states that a suspect shall be accorded humane treatment, having regard to the dignity of his person. The National Human Rights Commission carries out a routine inspection of prisons, police stations and other detention centers in accordance with its mandate. Between 2015 and to date, the Commission had trained over five thousand personnel of the military, the police and other law enforcement agencies on human rights standards. As a State Party to the Optional Protocol on Torture, Nigeria put in place a National Preventive Mechanism known as the National Committee against Torture (the National Committee).

According to Nigeria's report, the Prison Service keeps information on all prisoners in Nigeria. This information is contained in the Prison Register, a comprehensive personal identification mechanism for inmates, which includes fingerprints and photographs. The Superintendent, on the recommendation of the medical officer, may decline to admit a prisoner with grievous bodily injuries. Section 1 of the Nigerian Prisons Standing Order of 2001 provides that new prisoners received into prison either from the courts or upon transfer from another prison must be seen by the Superintendent in charge and the medical officers within 24 hours of reception. On existing legislation which guarantees the rights of any person with a legitimate interest to access the information (Article 18) it is reported that Nigerian law provides for the right of an arrested (or detained) person to be given reasonable facilities for obtaining legal advice and access to communication. Under section 6 (1) of the ACJA, except where a suspect is in the actual commission of a crime or is pursued immediately after the commission of the crime or has escaped from lawful custody, the arresting officer shall inform the suspect of the reason for his arrest. Also under Nigerian law, all persons with a legitimate interest in cases of human rights abuses, including those of enforced disappearance, are entitled to obtain information which they consider necessary for the case.

Under section 11 (1) of the FOI Act, a public institution may deny an application for any information the disclosure of which may be injurious to the conduct of international Affairs and the defence of the Federal Republic of Nigeria (2). Notwithstanding subsection (1), an application for information shall not be denied where the public interest in disclosing the information outweighs whatever injury that disclosure would cause. On obligation to keep record (Article 19), it is reported that Nigeria's data protection and privacy regime generally takes its earliest definition from the country's constitution – the 1999 Constitution of the Federal Republic of Nigeria. Section 37 of the Constitution states that the privacy of citizens, their homes, correspondence, telephone conversations and

telegraphic communications are hereby guaranteed and protected. Apart from this, other constitutional provisions which mandate that an arrested person must be informed properly of the circumstances surrounding such arrest and or detention were highlighted in articles 17 and 18. According to the report, the most relevant, single legislative instrument on data protection is the Guidelines on Data Protection (version 4.0) ("NITDA Guidelines") issued by the National Information Technology Development Agency. Under the guideline, every precaution is taken to ensure that unauthorized persons do not gain access to personal information. Such information may be transmitted to another State only if that State guarantees that individuals' privacy and fundamental rights and freedoms will be adequately protected. Nigeria's government as reported, is assiduously working towards the establishment of a genetic databank to assist in the search for disappeared persons and other related issues.

According to the report, all persons deprived of their liberty in Nigeria have a legitimate interest in access to any information they may request on the proceedings against them. Access to information is not restricted, except when it falls within any of the exceptions as authorized by law, which may include issues of national security or during times of national emergency. Under section 74 (2) of the trafficking in persons (Prohibition and Enforcement) Act 2015, where the agency considers that there are no means or conditions under which the information, documents or evidence requested could be provided, disclosed or given without prejudice to the national security of Nigeria, the Agency may refuse the request for the production of such document. On information on existing national legislation and practice to ensure the release of persons deprived of their liberty (Article 21), Section 35 (4) of the 1999 Constitution stipulates that anybody accused of an offence shall be arraigned in court within a reasonable time. Under section 159, the court has the power to issue an order mandating the detaining authority to produce the person detained in court at a specified time and date. Where it appears to a court that adequate information as to the whereabouts of a child is not available to the applicant for the emergency protection order, the Court may include a provision requiring other person to disclose, if asked to do so by the applicant.

Under section 281 (1) of the ACJA, where a relative or friend of a defendant confined under section 281 or 286 of the Act desires that the defendant be delivered over to his care and custody, the court may in its discretion order the defendant delivered. If the offence charged is bailable by the court, it may release such person on sufficient security being given: (a) that he shall be properly taken care of and shall be prevented from doing injury to himself or anyone else; and (b) for his appearance when required before the court. The Chief Justice of Nigeria and the Chief Judges of the federating states, while conducting prison visits, are empowered by the Criminal Justice (Release from Custody) (Special Provisions) to order the release of any person if satisfied that the detention of that person is manifestly unlawful.

According to the report, the jurisdiction to hear and determine allegations of human rights violation (including those of enforced disappearance) is conferred on the High Court by Section 46 (1) of the 1999 Constitution. The procedure for the commencement and determination of such cases is contained in the Fundamental Rights (Enforcement Procedure) Rules, 2009. By Order II, any person who alleges infringement of any of the fundamental rights (including deprivation of liberty) is required to file an application for the enforcement of the rights. The report also states that the writ of habeas corpus is considered apposite, especially in cases of enforced disappearance. Habeas corpus application is the most effective, beneficial and expeditious remedy in every case of detention. The applicant files an application at the High Court for the enforcement of his fundamental right under the 1999 Constitution. The Fundamental Rights (Enforcement Procedure) Rules do not constitute an exclusive procedure for enforcing the rights protected by the Constitution. Accordingly, where the personal liberty of an individual as guaranteed by section 35 of the 1999 Constitution is

interfered with through confinement, such a person may make an application to the court for the writ of habeas corpus to issue to secure the restoration of his liberty.

The Human Rights Education and Promotion Department of the National Human Rights Commission was established primarily to create awareness of human rights issues throughout the country. The department also has responsibility for building knowledge, skills and right attitudes and behaviours that will promote a culture of respect for human rights by individuals, groups, governments and corporate entities in Nigeria. In May 2018, the Nigerian Army confirmed the partnership between it and the National Human Rights Commission to improve the mainstreaming of human rights and civilian protection. The Nigerian Police (NPF) has made human rights education an essential part of its training programme for different cadres of officers and men, both at entry positions as well as in-service training like promotion courses. In December 2015, no fewer than 14,000 policemen and 200 public servants undertook a training course in human rights awareness, organised by Crime Victims Foundation and Human Rights Education Awareness Centre. Before this collaboration, the Nigerian Army established Human Rights Desks at all service and formation headquarters.

On 24 September 2018, a group of police, prison and judicial officers were trained on the observance of human rights standards during interrogation, detention and trial. It was emphasised that the fundamental duties of a police officer include the duty to ensure that the rights of all to liberty, equality and justice are respected. The Nigerian Police Force has now developed an enhanced human rights teaching to address gaps in the existing police teaching curriculum. More than 1,000 prison officials in Nigeria have benefited directly or indirectly from the training on human rights protection. Authorities developed the Human Rights training manual and Guide in 2015 for officials of the Nigerian Prisons Service. In 2016, the service started training prison officials using the manuals. The training exercises were conducted in the cities of Lagos, Enugu, Owerri, and the Prison Academy in Ijebu-Igbo.

Nigeria does not have a comprehensive national victim database, but it does have a national crime victimisation survey. The definition of a victim of a crime under Nigerian law is quite broad and includes persons who suffer physical, mental, emotional and economic injuries, as well as those whose fundamental rights have been breached in violation of extant laws, including crimes of enforced disappearance. Nigerian law does not provide mechanisms for the systematic collection of ante-mortem data related to disappeared persons and their relatives. However, as was stated in article 19 above, work is in progress to establish a genetic databank in Nigeria, which could include provision for such mechanisms. Under section 46 of the VAPP 2015, a victim is defined as any person or persons, who, individually or collectively have suffered harm, including physical or mental injury; emotional suffering; economic loss, or substantial impairment of fundamental rights, through acts or omissions that violate the Act or the criminal laws of the country.

The wrongful removal of children in the context of the enforced disappearance crime represents Nigeria's most serious violation of human rights. Nigeria is a signatory to many international instruments which are for the benefit of children. Nigeria ratified the Convention on the Rights of the Child in 1990, with the Protocol on Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ratified in 2002. To fulfil its obligations under the Convention, Nigeria domesticated the Convention in 2003 as the Child's Right Act. It has been fully implemented in 24 states of the federation, leaving 12 that are yet to domesticate the same in their states. Every child is entitled to his or her privacy, family life, home, correspondence, telephone conversation and telegraphic communications. According to section 27, no person shall remove or remove a child from the custody or protection of his father or mother. A person who contravenes these provisions commits an offence. Section 47 of the Act provides against the abduction of a child. Under section 160 (1) of the ACJA, where a child is arrested with or without

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a warrant and cannot be brought before a court, the police officer in charge for the time being of the police station to which the child is brought shall inquire into the case.

Chapter Four

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

4.0 Introduction

Racial discrimination is "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".³¹ Despite progress in some areas, racial discrimination remains a barrier to the full realisation of human rights as exclusions and restrictions based on race, colour, descent, national or ethnic origin continue to cause conflict, suffering and loss of life. The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a United Nations convention which commits its members to the elimination of racial discrimination and the promotion of understanding among all races. The Convention purports to take action against the injustice of racial discrimination and the dangers it represents.³² The Convention requires its parties to criminalise hate speech and criminalise membership in racist organisations.³³

The Convention was adopted and opened for signature by the United Nations General Assembly on 21 December 1965, and entered into force on 4 January 1969. As of July 2020, it has 88 signatories and 182 parties. Nigeria ratified the Convention on 16 October 1967. The Committee on the Elimination of Racial Discrimination (CERD) is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Racial Discrimination by its State parties. The Convention also includes an individual complaints mechanism, effectively making it enforceable against its parties, and all States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially, one year after acceding to the Convention and then every two years.

In addition to the periodic review by the Committee, State parties are required to fulfil the following obligations: Amendments to national constitutions to include provisions prohibiting racial discrimination; Systematic reviews of existing laws and regulations to amend those which perpetuate racial discrimination, or the passing of new laws to satisfy the requirements of the Convention; Amendments to the law at the suggestion of CERD; Make racial discrimination a punishable offence; Provide legal guarantees against discrimination in justice, security, political rights, or access to places intended for use by the general public; Design educational programmes; Create new agencies to deal with problems of racial discrimination and to protect the interests of indigenous groups; Consult CERD in advance about planned changes in the law or administrative practices.

State Parties to the convention, are also bound by Article 5 which states thus: "In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (a) The right to equal treatment before the tribunals and all other organs administering justice; (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution; (c) Political rights, in particular the right to participate in elections—to vote and to stand

³¹<https://www.ohchr.org/sites/default/files/cerd.pdf>- Accessed 9/29/2022

³²<https://www.ohchr.org/sites/default/files/cerd.pdf>- Accessed 9/29/2022

³³International Convention on the Elimination of All Forms of Racial Discrimination, Article 4(a)

for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service; (d) Other civil rights, in particular: (i) The right to freedom of movement and residence within the border of the State; (ii) The right to leave any country, including one's own, and to return to one's country; (iii) The right to nationality; (iv) The right to marriage and choice of spouse; (v) The right to own property alone as well as in association with others; (vi) The right to inherit; (vii) The right to freedom of thought, conscience and religion; (viii) The right to freedom of opinion and expression; (ix) The right to freedom of peaceful assembly and association; (e) Economic, social and cultural rights, in particular: (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration; (ii) The right to form and join trade unions; (iii) The right to housing; (iv) The right to public health, medical care, social security and social services; (v) The right to education and training; (vi) The right to equal participation in cultural activities; (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks."

4.1 Nigeria's First State Party Report

Nigeria's first report contains the tenth, eleventh and twelfth periodic reports which were due, respectively, on 5 January 1988, 5 January 1990 and 5 January 1992. The report was divided into two parts: Part I General and Part II Information related to Article 2-7 of the Convention. The report asserted that during the period covered, Nigeria continued in its efforts to protect the right, dignity and worth of human beings thus maintaining the tenets of the Convention. The report further mentioned that the basic principles governing political, economic, social and cultural life in Nigeria were well defined in the 1979 Constitution of the Federal Republic of Nigeria. It was highlighted that though Nigeria had promulgated Constitution Decree No. 12 in 1989, the provisions thereof were not fully operative. In accordance with its provisions, the commencement date for the 1989 Constitution was fixed for 27 August 1993. Reference would therefore be made only to the 1979 Constitution.

According to the report, the 1979 Constitution provides the general legal framework within which racial discrimination as defined in article 1(1) of the Convention is prohibited and eliminated in Nigeria. In section 19 of the Constitution, Nigeria's fundamental objectives and directive principles on foreign policy objectives provides that; "The State shall promote African Unity, as well as total political, economic, social and cultural liberation of Africa and all other forms of international cooperation conducive to the consolidation of universal peace and mutual respect and friendship among all peoples and States and shall combat racial discrimination in all its manifestations".

This foreign policy, as reported, reflects in all Nigeria's dealings with the international community; hence Nigeria does not sponsor, defend or support racial discrimination of any form. Through this policy, integrationist, multiracial organisations and movements are encouraged. The report also cited Nigerian Constitution in Section 39, which remains the cornerstone for the implementation of the Convention, which provides as follows: a. A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person: i. be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or ii. administrative action of the Government to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions, or political opinions are not made subject; or be accorded either expressly by, or in the practical application of any law in force in Nigeria or any such executive or administrative action any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions. b. No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.

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The second part of the report provided information on the legislative, judicial, administrative or other measures which gave effect to the provisions of articles 2 to 7 of the Convention. The report cited the administration's efforts in carefully handling ethnic, religious and linguistic matters and its effort to achieve national unity using Section 35 of the Nigerian Constitution. It also explained provisions to qualify as a Nigerian citizen either by registration or naturalisation as stipulated in Chapter III of the Constitution. The policy against dual citizenship, as reported, was discontinued and Chapter III of the Constitution was amended accordingly to demonstrate the country's support for the elimination of racial discrimination.

Specifically, former Section 26 subsection (1) which provided against dual citizenship was amended by a new Section 26 subsection (1) of the Constitution (Suspension and Modification) (Amendment) (No. 3) Decree 1992 to state as follows: "A citizen of Nigeria shall forfeit his citizenship only if, being a citizen of Nigeria otherwise than by birth, he acquires the citizenship of another country. "In the area of the economy, certain restrictions which might have discouraged free enterprise under the indigenisation Decree of 1977 were removed by the Nigerian Enterprises Promotion Decree of 1989 repealing the former, and states in section (1) subsection (2) that an alien may be the owner of any enterprise specified in the schedule to this Act if the capitalisation involved is not less than naira 20 million. Notably many of our construction companies are manned by other nationals.

The report also stated that Nigeria's educational programme involved the policy to promote and ensure mass literacy. Section 18 of Nigeria's Constitution states that the "Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels. "To this end Government shall as and when practicable provide: Free, compulsory and universal primary education free secondary education; free university education; free adult literacy programme. Nomadic Education was equally introduced by Decree 41 of 1989.

With regards to Nigeria's implementation of Article 3 of the Convention, the report stated that Nigeria continued to be in the forefront of the fight against racism and apartheid and retained the Chair of the United Nations Special Committee against Apartheid, a post which she had held for years. It was also stated that Nigeria was a member of the Commonwealth Eminent Persons Group (EPG) in South Africa. Since the United Nations lifted some sanctions against South Africa, efforts were being made based on the then on-going negotiations under the umbrella of the Convention on a Democratic South Africa (CODESA) to embark on normalising economic and other relations with South Africa. For example, in 1992, Nigeria played a football match against South Africa. Hitherto, there were no formal diplomatic, economic or other ties with South Africa.

It was cited as worthy of note that in furtherance of the country's stance against racial segregation and apartheid, Nigeria continued to give financial, diplomatic and other assistance to the Liberation Movement in Namibia before independence (African National Congress of South Africa, Pan Africanist Congress of Azania), while the National Committee against Apartheid continued to support eradication of apartheid through its many activities and publicise the evils of apartheid. There was also the Southern Africa Relief Fund. In 1989, the Special Namibia Endowment Fund was organised throughout the country to sensitise the Nigerian public to come to the assistance of the newly emerging nation and the target was NGN100 million. Furthermore, the Nigerian Foreign Minister led an Organisation of African Unity delegation to South Africa to monitor the CODESA talks in 1992.

The report maintained that Nigeria conforms with the principles embodied in the Convention. However, the position on article 4(a) is that paragraph (d) of subsection (2) of Section 50 of the Nigerian Criminal Code which defined "seditious intention" is sufficient to criminalise racial discrimination as it is the official view of the Government that different "classes" of the population of Nigeria includes by necessary implication different races of the population. It is only a person who

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can be regarded as forming part of the population of Nigeria that can be discriminated against on account of race within Nigeria.

According to the report, Nigeria's social order is founded on ideals of freedom, equality and justice. In furtherance of this, Section 17 (a) of the Constitution provides that: (a) every citizen shall have equality of rights, obligations and opportunities before the law. The report also reiterated that the provision concerning respect for fundamental human rights set out in Sections 30 - 40 in Chapter IV of the 1979 Constitution remain unchanged by the Constitution (Suspension and Modification) Decree No. 17 of 1985. The Sections were listed as follows: Section 30 Right to life; " 31 Right to dignity of human person; " 32 Right to personal liberty; " 33 Right to fair hearing; " 34 Right to private family life; "35 Right to freedom of thought conscience and religion; " 36 Right to freedom of expression and the press; " 37 Right to peaceful assembly and association and the right to form and belong to a political party; " 38 Right to freedom of movement; " 39 Right to freedom from discrimination; " 40 Right against compulsory acquisition of property; " 41 Restriction on and derogation from fundamental rights.

In addition, the provisions of Section 39 of the 1979 Constitution served as the anchor for the implementation of the Convention by prohibiting any discrimination against citizens of Nigeria on the basis of their community, ethnic group, place of origin, sex, religion or political opinion. All the rights listed under article 5 in their different categories were enshrined and guaranteed in the Nigerian Constitution, 1979. The language of Chapter IV on Fundamental Rights is mandatory. As reported, Nigeria's military Government promoted, protected and respected human rights, the integrity of persons and freedom from political killings. There were no records of politically motivated or Government-instigated killings or disappearances in Nigeria. Government actions according to the Constitution would be humane and the sanctity of the human person would be recognised and human dignity would be maintained and enhanced.

The Constitutional provision guaranteeing Nigerian citizens the right to move freely throughout the country and not to be expelled therefrom or refused entry thereto or exit therefrom that was also cited in the report remains unchanged, the report also stated. Right to peaceful assembly and association remained and had not been eroded. Nigerian workers 16 years or over were free to join trade unions except members of the armed forces and designated employees of essential government services at the federal, state and local levels.

Furthermore, in accordance with section 31(1)(b) and (c) of the 1979 Constitution of Nigeria, stating that no person shall be required to perform forced or compulsory labour, the Nigerian Government did not apply forced labour as a means of political coercion or as a sanction against free expression. As stated in the previous periodic reports, Nigeria had ratified the International Labour Organisation Convention in that regard. Every person could exercise the right of access to any place or service intended for use by the general public, with respect to transport, hotels, restaurants theatres etc. There was no problem of segregation in Nigeria. In the area of politics, it was reported that the then administration did a great deal of work to carry politics to the grassroots and every door step, and also re-awakened citizens' exercise of political rights. Indeed, formulating the programme for transition to civil rule, which was promulgated in the Transition to Civil Rule (Political Programme) Decree No. 19 of 1987 was quite revolutionary.

To further ensure political rights of Nigerians in 1989 the Transition to Civil Rule (Political Parties Registration and Activities) Decree No. 27 was promulgated. The position was that both former and serving Government officials and politicians may engage in political activities and run for elective offices. As a result of the Decree Participation in Politics and Elections (Miscellaneous Provision) in 1991 the politicians earlier arrested were released, and all Nigerians except those convicted of offences committed while in public office could participate in politics. Further on the transition

programme in 1991 an international conference was held at Abuja, Nigeria on democracy and law, where participants were addressed on the system of democracy by the former Vice President of the United States of America. It is highlighted in the report, that Nigeria made a contribution to the federal system of government with her emphasis on the third tier of government which the local government. In addition to this, a national census was conducted in November 1991. The result of the census put Nigeria's population at 88.5 million.

According to the report, Nigerian courts were vested with the power to enforce human rights and fundamental provisions of the Constitution notwithstanding the amendment of the Constitution ((Suspension and Modification Decree No. 17 of 1984 by the Constitution (Suspension and Modification) (Amendment) Decree No. 17 of 1985). The courts continued to entertain complaints of infringement or anticipatory infringements of fundamental rights. On procedure for enforcement of fundamental rights, the Nigerian Supreme Court in *Alhaji Dahiru Saude vs. Alhaji Halliru Abdullahi*, IV Nigerian Weekly Law Reports (NWLR), page 387, unanimously held that the manner in which an application for enforcement of fundamental rights under Chapter IV of the 1979 Constitution is brought, is irrelevant once it is clear that such application seeks redress for infringement of the rights so guaranteed under the Constitution. In *Alhaji Abbas Tafida vs. Alhaji Sa'adu Abubakar and others* (1992) III NWLR, page 511, the Federal Court of Appeal held that the High Court has jurisdiction by virtue of Order I rule 3(i) of the Fundamental Rights (Enforcement Procedure) Rules, 1979 to enlarge the time within which to commence an action for the enforcement of fundamental rights after the expiration of the prescribed period of 12. In *Gani Fawehinmi vs. the State* (1990) I NWLR, page 487, Babalakin. J.C.A. applied the ruling of the Supreme Court in the case of *Aroyewun vs. Adebajji* (1976) II Supreme Court 33 where it was stated that unsuspended provisions of the Constitution should be strictly adhered to and that obedience to our Constitution should be the mood of the nation.

It was stated in the report that Nigeria had many activities in place geared towards public awareness and enlightenment based, among others, on the principles of the Universal Declaration of Human Rights and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination. The principles of the Charter of the United Nations were also reflected in international relationships involving Nigeria. In addition, Schools and university curricula for law and social sciences always included teachings on constitutional and human rights. The Nigeria Police College also taught the principles of human rights. The members of staff of the Nigerian Prisons Authority were also taught these principles. Seminars and conferences were held at good intervals in order to sensitise the public and keep people informed generally of international happenings; lectures on such issues were delivered at the Nigerian Institute of International Affairs – where membership of its library offered good opportunity of up-to-date information on contemporary happenings. The Nigerian Institute of Advanced Legal Studies carried out research and publishes books on topical legal issues. Nigerian universities exchanged students with other universities all over the world, even lecturers were involved in exchange programmes.

During the period covered by the report many activities were carried out educating and informing the general public on social, political, economic and other rights. People were also mobilised as they became more enlightened and aware. The Directorate of Food, Roads and Rural Infrastructure also contributed immensely to this area. According to the report, it was also noteworthy to mention Nigeria's Better Life for Rural Women Programme. The amount of awareness as to possible contribution, especially among the women folk cannot be overemphasised. Each State of the Federation had its own chapter of the Better Life for Rural Women Programme. As already

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mentioned, the National Committee against Apartheid continued its campaign against apartheid and racial segregation within and abroad.³⁴

4.2 Nigeria's Second State Party Report

The second State party report of Nigeria was due on 4 January 1994 but was submitted on 10 November 1994 and it is the tenth, eleventh and twelfth periodic reports of Nigeria, submitted in one document. The report began with the Nigerian Government's pursuit of national unity and its effort to defuse ethnic, religious and linguistic tensions, and how it continued the programme of transition to democracy. Such programme included the setting up of some national outfits like the Directorate of Social Mobilisation (MAMSER) to mobilise and enlighten people by creating an awareness of the need for general participation in national programmes. A well-organised census exercise was carried out in all the 30 States of Nigeria as well as the Federal Capital Territory of Abuja in 1991.

Below are the census provisional figures

STATE	MALES	FEMALES	TOTAL
Lagos	2 999 526	2 686 253	6 685 781
Kano	2 858 724	2 773 316	5 632 040
Sokoto	2 188 111	2 234 280	4 392 391
Bauchi	2 202 962	2 091 451	4 294 413
Rivers	2 079 583	1 904 274	3 983 857
Kaduna	2 059 382	1 909 870	3 969 252
Ondo	1 958 928	1 925 557	3 884 485
Katsina	1 944 218	1 934 126	3 878 344
Oyo	1 745 720	1 743 069	3 488 789
Plateau	1 645 730	1 633 974	3 282 704
Enugu	1 482 245	1 679 050	3 161 295
Jigawa	1 419 726	1 410 203	2 829 929
Benue	1 385 402	1 394 996	2 380 394
Anambra	1 374 801	1 393 102	2 767 903
Borno	1 327 311	1 269 278	2 596 589
Delta	1 273 208	1 296 973	2 570 181
Imo	1 178 031	1 307 468	2 482 367
Niger	1 290 720	1 191 647	2 482 367
Akwa Ibom	1 162 430	1 197 306	2 359 736
Ogun	1 144 907	1 103 663	2 338 570
Abia	1 108 357	1 189 621	2 297 078
Osun	1 079 424	1 123 592	2 203 016
Edo	1 082 718	1 077 130	2 159 848
Adamawa	1 884 824	1 039 225	2 124 049
Kogi	1 055 964	1 043 082	2 099 046
Kebbi	1 024 334	1 037 892	2 062 226
Cross River	1 945 270	920 224	1 865 604
Kwara	790 921	775 582	1 566 469
Taraba	754 754	725 836	1 480 580
Yobe	719 763	691 718	1 411 481
Abuja FCT	208 535	172 136	378 671
Country Total	44 544 531	43 969 970	88 514 501

The period of the report witnessed the existence of tribunals of inquiry which were used to clear up cases of various subject matters such as miscellaneous offences, recovery of public property and that of exchange control. Press freedom became non-negotiable; journalists practiced their profession without fear of any harassment and the mass media were encouraged and assisted to

³⁴https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2f226%2fAdd.9&Lang=en-
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grow in the society. The provision of section 15(1) of the Nigerian Constitution of 1979 which provides that "national integration shall be actively encouraged whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited" was upheld.

In furtherance of its policy of national integration, the Federal Government of Nigeria promulgated decree No. 23 of 9 July 1992 which brought into existence the Oil Mineral Producing Areas Development Commission. The Commission was charged with using a special fund for the Federation mineral-producing areas. The Federal Government increased the special fund for oil mineral-producing areas from 1.5 per cent to 3 per cent of the Federal Account. The Commission was charged with the task of determining and identifying the actual oil-producing areas and to embark on the development of projects which were properly agreed upon with the local communities. It liaised with the oil companies in the areas on matters of pollution, control and effective methods of tackling oil spillages.

As contained in the previous reports, the system of allocating funds to the States in accordance with the Allocation of Revenue (Federation Account, etc.) (Amendment) Decree No. 36 of 1984 was as follows: Federal Government – 55% (a) State Government – 32.5% (b) Local Government – 10% (c) Fund for the Amelioration of Ecological Problems – 1% (d) Fund for the Development of Mineral Producing Areas of Nigeria – 1.5%. According to the report, Nigeria had always maintained an attitude of non-acceptability towards racism, apartheid and racial discrimination, both within her borders and beyond her shores. This was also the position throughout the period covered by this report. Nigeria had been a member of the Commonwealth Eminent Persons Group (EPG) on South Africa. It was quite active as a member of the United Nations Special Committee against Apartheid. Before 1992, when the United Nations lifted some sanctions against South Africa, Nigeria had no formal, diplomatic, economic or other ties with South Africa. It was also noted that Nigeria was very involved in the CODESA talks of 1992. It was also on record that Nigeria is a party to the United Nations Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Apartheid in Sports.

In support of a phased withdrawal of all sanctions by the international community, Nigeria as reported, by December 1993 announced its decision to lift all sanctions against South Africa except those relating to the arms embargo (Security Council decision), collaboration in nuclear matters and the establishment of full diplomatic relations. There was consequently a presidential directive in March 1993. It was to be noted that the new Nigerian Constitution of 1989 which was expected to be fully operational on 27 August 1993 was suspended in the face of political logjam when the transition programme was brought to an abrupt end; the 1979 Constitution continued to be operational. Furthermore, it was stated as important, that despite the Constitution (Suspension and Modification) Decree No. 107 of 1993 which amended the 1979 Nigerian Constitution, Chapter IV of the 1979 Constitution which implements article 3 of the Convention on the Elimination of All Forms of Racial Discrimination still stands.

Section 39 (1) of the Constitution provides as follows: "39-(1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person: (a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions, or political opinions are not made subject; or (b) be accorded either expressly by, or in the practical application of any law in force in Nigeria or any such executive or administrative action any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions (2). No citizen of Nigeria shall be subjected to any

disability of deprivation merely by reason of the circumstances of his birth. "The provision of this section, which is the cornerstone and the fulfilment of the aims and objectives of the Convention on the Elimination of All Forms of Racial Discrimination, was upheld by Nigeria's military administration notwithstanding.

The State party report stated that Nigeria from 1989 embarked on a general overhauling of its laws, in all areas. A lot had been done since then. In the criminal law area, Nigeria operates both the Criminal and Penal Codes, the former in the south and the latter in the north. Following various demands, the idea of a merger of the two was also one of the issues for review. Specifically, and in order to fully implement the provisions of article 4 of the Convention, necessary steps were taken by the appropriate authority. It was also stated that Nigeria never had racial problems and no organisation, activity, public authority or public institution, national or local, was permitted to promote or incite racial discrimination. Nigeria supported and cooperated fully with the Lagos office of the United Nations High Commissioner for Refugees (UNHCR). Nigeria had an estimated number of about 1,500 refugees each from Liberia and Chad.

In addition, as was mentioned under article 3, it was reported that Decree No. 107 of 1993 did not erode the basic rights of man enshrined in the Nigerian Constitution. The following provisions dealing with respect for human dignity were still retained under the 1979 Constitution: Section 30 Right to life " 31 Right to dignity of human person; " 32 Right to personal liberty; " 33 Right to fair hearing; " 34 Right to private family life; " 35 Right to freedom of thought, conscience and religion; " 36 Right to freedom of expression and the press; " 37 Right to peaceful assembly and association; " 38 Right to freedom of movement; " 39 Right to freedom from discrimination; " 40 Right against compulsory acquisition of property; Apart from the above local legislation, it was reported that Nigeria's membership under the African Charter on Human and People's Rights expected compliance with the provisions on human rights under the Charter. The Charter had been incorporated into the national laws.

Furthermore, in support of political and civil rights and to further promote and protect human rights, Nigeria in 1992 ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. During the transition to democratic rule – a period which formed part of the report –the free exercise of people's voting rights and right to peaceful association clearly demonstrated Nigeria's promotion of civil and political rights. In upholding these constitutional rights and other provisions, the Nigerian courts had not failed to fulfil their expected roles as an independent judiciary.

According to the report, Section 6(1)(2)(5) of the 1979 Nigerian Constitution vested the judicial powers of the Federation in the courts being courts established for the Federation as follows:(a) The supreme Court of Nigeria; (b) The Federal Court of Appeal; (c) The Federal High Court; (d) A High Court of a State;(e) A Sharia Court of Appeal of a State;(f) A Customary Court of Appeal of a State; (g) Such other courts as may be authorised by law to exercise jurisdiction on matters with respect to which the National Assembly (PRC) may make laws. Section 42 gives special jurisdiction to the High Courts of the State: "1. Any person who alleges that any of the provisions of this Chapter has been, is being or likely to be contravened in any State in relation to him may apply to a High Court in that State for redress.2. Subject to the provisions of this constitution, a High Court shall have original jurisdiction to hear and determine any application made to it in pursuance of the provisions of this section and may make such order issue such writ and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement within that State of any rights to which the person who makes the application may be entitled under the Chapter.

The above section without doubts firmly entrenched judicial review. The human rights guaranteed by the 1979 Constitution was therefore accorded special protection by the courts. Furthermore, it is

necessary to mention that a legal aid scheme was introduced in Nigeria in criminal cases in 1976 through the Legal Aid Act. It was expanded due to the constitutional recognition of the right to legal aid in cases regarding allegations of infringement of a citizen's fundamental rights. The 1979 Constitutional provision stated as follows: Section 42. "The National Assembly (which has been amended to read Provisional Ruling Council) shall make provisions:(4)(b)(i) for the rendering of financial assistance to any indigent citizen of Nigeria where his right under this Chapter has been infringed or with a view to enabling him to engage the services of a legal practitioner to prosecute his claim; and(ii) for ensuring that allegations of infringement of such rights are substantial and the requirement or need for financial or legal aid is real. "The Legal Aid Scheme was further amended in recognition of the importance of legal representation in civil matters by the Legal Aid Amendment Decree No. 10 of 1986.³⁵

4.3 Nigeria's Third State Party Report

Nigeria's Third State Party Report contained the fourteenth, fifteenth, sixteenth, seventeenth and eighteenth periodic reports of Nigeria, due on 4 January 1996, 1998, 2000, 2002 and 2004, respectively, submitted in one document. The report was submitted on 23 March 2004. As reported in the Third State Party Report, the State of Nigeria had been submitting its reports as a signatory and party to the International Convention on the Elimination of All Forms of Racial Discrimination since its inception in 1963. The thirteenth periodic report of Nigeria was considered by the Committee on the Elimination of Racial Discrimination at its forty-seventh session held at the Palais des Nations, Geneva, on 31 July 1995. The report included the general features of the country, such as demography, ethnic make-up and the multicultural nature of the Nigerian society. The report was prepared in accordance with the guidelines in the United Nations Manual on Human Rights Reporting.

The report was divided into five parts. Section I contains the general update and appraisal of the Nigerian indigenous population and a description of government policies for the elimination of all forms of racial discrimination as well as the activities that have been carried out to implement those in accordance with provisions of the Convention. Section II contains an analysis of some of the articles of the Convention and information on the steps taken as well as efforts made by the State to implement them. Details of other government actions taken to strengthen the existing policies for the elimination of racial discrimination were also given.

Section III contains information on specific actions taken by the Nigerian Government through social activities, especially in relation to health and education, for the indigenous population. Other topics such as indigenous participation in political and social affairs, access by indigenous people to the system of justice and legal protection, and support programmes for the voluntary repatriation of Nigerians abroad were also highlighted in accordance with the objectives of the Convention, which include the identification and enforcement of the rights of indigenous people towards the elimination of all forms of racial discrimination.

Section IV provided general information on the position of the Government in ensuring further protection of the rights of its citizens and Section V contains comments providing a brief summary of the existing situation in Nigeria regarding compliance with the provisions of the Convention and general matters on racial discrimination. It was stated in the report that Nigeria, as the most populous black country in the world with a population of over 100 million people is made up of over 250 different ethnic groups. The predominant ethnic groups are the Hausa/Fulani, Yoruba and Ibo, while other ethnic groups include the Edo, Ibibio, Isoko, Urhobo, Itsekiri, Kanuri, Nupe, Effik, Ijaw, Epira, Idoma, Tiv, Ogoni, Chambe, Gwari, and Ekoto, to mention only a few. Despite the numerous

³⁵https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2f263%2fAdd.3&Lang=en-
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ethnic groups with their diverse culture, language and tradition, Nigerians still exhibit a cohesiveness that is a product of centuries of trade, intermarriage as well as economic contacts amongst the various groups. Consequently, problems relating to ethnic, religious, cultural and/or indigenous populations or populations of mixed descent rarely manifest themselves within the country.

The civil, political, economic and social rights of all Nigerians, regardless of their race, culture or religion, were ensured and well protected by many institutions established by Government and non-governmental organisations to ensure a society free from all forms of racial discrimination. Some of these institutions are: (a) The National Human Rights Commission; (b) The Public Complaints Commission (c) The law courts; (d) The Code of Conduct Bureau; (e) The Legal Aid Council (f) The Nigerian Law Reform Commission and others (g) The Independent Corrupt Practices and Other Offences Commission. In addition, the report stated that Nigeria was not experiencing any syndrome of contemporary (or any other form of) racial discrimination or of discrimination against ethnic, religious or cultural minorities. However, there had been inter- and intra-ethnic clashes between various groups in Nigeria mainly involving commercial interests and resource control, but definitely not for the reason of being a member of a particular ethnic minority or religious group.

Furthermore, Nigeria is a state party to: (a) The African Charter on Human and Peoples' Rights, whose status she has consequently translated into domestic law to ensure the enforcement of its provisions in Nigeria (b) The Universal Declaration of Human Rights (c) The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (d) The International Covenant on Civil and Political Rights (e) The International Covenant on Economic, Social and Cultural Rights (f) The International Covenant on Economic, Social and Cultural Rights (g) The Convention on the Elimination of All Forms of Discrimination against Women (h) Towards achieving this goal, one of the steps taken by Government was the establishment of the Human Rights Violation Investigation Commission whose function was to investigate and conduct public hearings on allegations of human rights violations with a view to reconciling (and possibly compensating) the aggrieved parties.

Nigeria also put in place certain policies to prevent demonstrations of xenophobia, intolerance and violence as well as the exclusion of foreigners or minority or vulnerable groups from protection against discrimination through the following measures: Enforcement of the fundamental rights entrenched in the Constitution by the appropriate courts; Accessibility of foreigners to national visas either for residence or for work; Conclusion and implementation of various bilateral agreements to enhance economic, social, political and cultural cooperation between Nigeria and other countries; Freedom of residence and employment to both nationals and foreigners in the private and public sectors; Liberalisation of tourism amongst Nigerians and other nationals; Establishment of the Niger Delta Development Commission to develop the Niger Delta and oil-producing areas aimed at diffusing ethnic tension, especially in the Ogoni area; Use of mass media and inter-State/ethnic visits by opinion leaders in Nigeria to promote national unity and cohesion

Part II of the report was dedicated to a comparative summary of the various efforts by the Nigerian Government to implement the provisions of the Convention, article by article. According to the report, the State of Nigeria continued to fulfil her obligations under article 2 of the Convention by not engaging in any act or practice of racial discrimination against persons or institutions and by upholding the enforcement of fundamental human rights entrenched in the Constitution. These fundamental human rights are uniform and apply to all citizens of Nigeria. Respect for equality was recognised and promoted. Various measures were taken by Government, both at the political and socio-economic levels, to ensure equal access to education and employment and the Civil Service by ethnic groups of different geographical and cultural origins.

Some of these measures were: (a) Establishment of the Federal Character Commission and the Federal Civil Service Commission for equitable employment of all Nigerians in the Federal Civil Service. The composition of Government or any of its agencies and the conduct of its affairs are carried out in such a manner as to reflect the federal character of Nigeria, promote national unity, and de-emphasise and diffuse ethnic tension through ethnic integration and harmony (b) The National Youth Service Corps (NYSC), which is open to all graduates of tertiary institutions to serve Nigeria for a year to promote integration, cultural understanding and respect for all Nigerian communities (c) The Poverty Alleviation Programme, a nationwide effort by Government to reduce poverty without discrimination on the basis of ethnic, religious or cultural affiliation (d) The National Directorate of Employment (NDE), a national body set up by the Nigerian Government to promote skill acquisition, training and provision of opportunities for self-employment to all Nigerians without any form of discrimination (e) Introduction and implementation of the Universal Basic Education Programme to ensure equal access to basic education by all Nigerians, irrespective of their ethnic, cultural, or geographical origin or religious inclination.

The report asserted that the Nigerian Constitution and the various legislation on it prescribe equality for all the citizens in the application of legal protection. All citizens of Nigeria are recognised as having equal rights and obligations. This is to erase racial segregation (apartheid) and also to prevent, prohibit and eradicate all practices of racial discrimination in its territory. In addition, the 1999 Constitution guarantees human rights protection for all Nigerians and residents alike as ensured by the provisions of the Fundamental Rights Enforcement Procedure Rules being implemented by the courts. The various rights contained in sections 33-44 of the 1999 Constitution remain protected, and the Nigerian courts have continued to play their expected role as an independent judiciary in the dispensation of justice. These rights are: Section 33 - Right to life; Section 34 - Right to dignity of the human person; Section 35 - Right to personal liberty; Section 36 - Right to a fair hearing; Section 37 - Right to private and family life; Section 38 - Right to freedom of thought, conscience and religion; Section 39 - Right to freedom of expression and the press; Section 40 - Right to peaceful assembly and association; Section 41 - Right to freedom of movement; Section 42 - Right to freedom from discrimination; Section 43 - Right to acquire and own immovable property anywhere in Nigeria; Section 44 - Right to compensation where landed property is compulsorily acquired.

To ensure effective protection of these rights, Nigeria established the National Human Rights Commission, which is statutorily charged with the responsibility of preventing human rights violation. Nigeria also established the Public Complaints Commission whose function is to entertain complaints of violation of any of the above-listed rights by any member of the public. Furthermore, it was reported that special jurisdiction is conferred by the Constitution on the States' High Courts to provide redress for human rights violation by virtue of the provisions of section 46 of the 1999 Constitution which states as follows: "Any person who alleges that any of the provisions of this Chapter has been or is likely to be contravened in any State in relation to him may apply to a High Court in that State for redress." The then constituted Justice Oputa Panel of Inquiry into Human Rights Violations was also another landmark in Government's efforts to curb all forms of racial, ethnic, cultural or religious discrimination.

With regard to implementation of article 6, the report averred that, in order to protect and provide effective remedies for aggrieved individuals in the competent courts, Nigeria put in place the appropriate machinery to effect and ensure remedy where any case of discrimination is reported. The Public Complaints Commission and the National Human Rights Commission together ensure the protection of human rights as guaranteed by the Constitution and other international conventions. The National Human Rights Commission also monitors and investigates alleged cases of human rights violation and, where necessary, recommends appropriate reconciliatory measures to Government. Further studies are undertaken by Government in the formulation of better policies to

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guarantee human rights. The National Revenue Allocation System introduced by the Government also ensures that resources are evenly distributed all over the country.

The State party report stated that in the discharge of its obligation under the Convention to adopt immediate and effective measures, particularly in the field of teaching, education, culture and information, with a view to combating prejudice which leads to racial discrimination, the Government of Nigeria channelled its efforts through various government agencies which carried out specific activities to promote understanding, tolerance and friendship among nations and their racial and/or ethnic groups. Some of these activities include the following: (a) The launching of the Universal Basic Education Programme to increase the literacy rate amongst its citizens regardless of ethnic or religious grouping; (b) The improvement of infrastructural facilities to ease movement and integration amongst the various ethnic groups; (c) The appointment of officers to positions in Government with due consideration for geopolitical zones whenever vacancies are available in such a way that appointment of junior officers is mandated to be made in catchment areas where such offices are located, and such exercise must take cognisance of the local government areas within the zone.

According to the National Policy on Education, education is the right of all citizens at all levels, i.e., primary, secondary and tertiary. This, in essence, is to say that there is no discrimination by the federal and State governments in the delivery of education in the country. Measures adopted by the Federal Government to ensure access to education include the following: (a) Establishment of the Universal Basic Education Programme (UBE). This programme is essentially for ensuring that basic education gets to all pupils of primary school age in all parts of the country. Basic amenities such as classrooms, furniture, textbooks, teaching aids and an adequate number of qualified teachers in the primary schools are provided in the UBE programme to ensure good quality education in the primary schools. Three additional schools per local government were built under the programme; (b) At the secondary level, both the federal and State governments established two secondary schools in order to ensure access to education right from the Local Government Areas. In addition to the State secondary schools, the Federal Government established Unity Colleges in every state of the Federation and the FCT and at the time of this report, there are 74 of them. The colleges are models of excellence in education which the states are supposed to emulate; (c) The Federal Government runs many institutions of higher learning – universities, polytechnics and colleges of education. There are 40 federal and State universities, 62 federal and State colleges of education and 17 polytechnics at the time of this report. Despite these numerous institutions, the Federal Government still encouraged the establishment of private universities in order to satisfy all interests, boost higher education and make it accessible to all; (d) Government also put in place a special education programme for special occupation groups such as the nomads and migrant fishermen. Education for the physically disabled is also supported by Government through award of bursaries and scholarships to them and also to the able-bodied students in higher institutions; (e) Building of several neighbourhood schools by Government to ensure that pupils did not have to travel long distances to their school.

In addition to the above, and in order to satisfy the educational yearnings of all segments of the Nigerian society, the Government of Nigeria, as reported, (through the Federal Ministry of Education) adopted the following criteria for admission to Unity Colleges and tertiary institutions: Admission into Nigerian federal universities were based on the following percentages: Merit- 45 percent; Catchment area 35 percent; Educationally disadvantaged States- 20 percent. Admission into the Federal Government Unity Colleges were based on the following percentages: State quota - 40 per cent (40 per cent of the admission is reserved for equal State quotas); Merit - 30 per cent (30 per cent of the admission is reserved for students who have performed excellently in the National Common Entrance Examination into the Unity Colleges); Environmental quota - 30 per cent (30 per cent of the

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admission is reserved for the indigenous of the locality where the institution is situated). The report also said that on the whole, there was no form of discrimination against any group in access to education in Nigeria; rather, Government put in place numerous programmes that would enhance the equality of educational facilities and make education accessible to all its citizens.

As stated in the report, Article 8 of the Convention on the Rights of the Child, to which Nigeria is a party, states that every child is entitled to enjoy good health, protection from diseases and proper medical care for survival, personal growth and development, and that no child should be deprived of his or her right to health-care services. In compliance with these provisions of the Convention, Nigeria introduced a health policy aimed at enabling all Nigerians (especially children) to achieve socially and economically productive lives. This National Health System is based on the Primary Health Care System, which is protective, preventive, restorative and rehabilitative of every Nigerian citizen. Through the activities of the Federal and State Ministries of Health, the rights of children under the Convention on the Rights of the Child and the World Summit goals 1-25 on child health are promoted and protected. The reproductive health rights of women and adolescents are also protected within the country. The report also states that, the existence of a social awareness of the indigenous population within a democratic and constitutional framework contributed greatly in encouraging the organised and unorganised indigenous groups to participate more fully in activities leading to the development of the society. Government strengthened its policies to empower local authorities by increasing participation by the indigenous population in deciding their own destiny.

As contained in Nigeria's state party report, the 1999 Constitution provides for the guarantee of several human rights in sections 33-44. Of particular importance is section 34 which provides that no Nigerian may be subjected to servitude or any other condition which impairs his dignity. Every citizen or resident is entitled to free access to the national system of justice and legal protection. Men and women alike, whatever their civil status, have equal rights and responsibilities. With regard to criminal responsibility for human rights violations, the courts have continued to play their expected role as an independent arbiter in upholding the rights of any citizen. In matters of human rights, provisions of treaties and conventions ratified by Nigeria are taken judicial notice of. The Legal Aid Council was also established to assist in providing legal assistance to impecunious accused persons. In addition, a Legal Aid Centre for Women and Social Services was set up by Government to fight the ills of discrimination and domestic violence against women and children.

Government also set up the Human Rights Investigation Panel which was headed by a retired Justice of the Supreme Court of Nigeria. Citizens whose rights were violated at one time or another in the past had free access to public hearing of their grievances and could claim compensation for damages occasioned by such violation. Nigerians in self-exile were encouraged to come back home while their safety was guaranteed by Government. With regard to the Gideon Akaluka case in which Mr. Akaluka was allegedly murdered in prison custody at Kano on the ground of religious misunderstanding, the Kano State government, upon further investigation as directed by the Federal Government, confirmed that the incident was not an act of religious or tribal discrimination as alleged. The matter was, however, further investigated by the Justice Oputa Panel of Inquiry into Human Rights Violations which was set up by the Federal Government. The Nigerian Court ruled that the Panel lacked jurisdiction as it was not properly constituted by the National Assembly.

According to the report from the Nigerian Government, with the coming into operation of the democratic administration in 1999, Nigerians have exercised their rights as citizens in electing a national government by universal suffrage. Government has subsequently focused on strengthening the democratic system in the context of social stability and respect for human rights. This has registered remarkable progress in the development of the country. Government will not relent in its efforts to discourage privileges, discrimination and poverty, and it will encourage development in

peacebuilding and guaranteeing the rights of its citizens. Further programmes are being introduced to educate and create awareness of the need for the eradication of acts of violence and other social vices which breed violent crimes generally and against women in particular. The Government has put in place policies to solve many problems caused by years of military rule which led to division, fragmentation and confrontation. People or groups who were most vulnerable and were greatly affected by the violence of the military regime can now seek redress in the law courts.

At the time of this report, Nigeria acknowledged its commitment under the International Convention on the Elimination of All Forms of Racial Discrimination and pledged her commitment to promoting all measures necessary to ensure its full implementation. The State party report stated that Nigeria does not operate any State policy that promotes, encourages or tolerates any type of discrimination and though there were upheavals which tend to have an ethnic or religious colouration, the nation did not really have a religious crisis as Nigeria is a secular or multireligious society then. Also, the country never witnessed any cultural interference from any federal or State government nor was dominated by any ethnic group as a matter of policy then.³⁶

4.4 Consideration of Reports Submitted by Nigeria Under Article 9 of the Convention

The Committee welcomed the report submitted by the Government of Nigeria and the additional written information provided. The Committee also welcomed the attendance of a delegation and the opportunity it had afforded to resume dialogue with the State party. The Committee regretted, however, that the report did not fully conform to the Committee's reporting guidelines and lacked sufficient information on the practical implementation of the Convention. Noting that the report was more than eight years overdue when submitted, the Committee invited the State party to respect the deadline set for the submission of its future reports.

The Committee noted with satisfaction the State party's ratification, in 2002, of the International Labour Organisation Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The Committee welcomed the establishment of the National Human Rights Commission of Nigeria, pursuant to the Human Rights Commission Act, adopted in 1995. The Committee welcomed the adoption, in 2004, of the National Plan of Action on the promotion and protection of human rights. The Committee welcomed the establishment of the National Inter-Religious Council and of the Institute for Peace and Conflict to promote inter-ethnic, intercommunal and interreligious harmony. It also welcomed the creation of the National Revenue Allocation System, which aims to improve the distribution of resources among different States. The Committee likewise welcomed the establishment of human rights desks in police stations to deal with complaints relating to human rights violations committed by members of the police force. The Committee noted with appreciation the provision of mobile schools for children of nomadic communities.

While noting the concerns of the Nigerian Government that identification of its population by ethnicity or religion may lead to national disunity, the Committee is concerned that the State party has submitted no precise figures on the ethnic composition of the population and points out that such information is necessary to assess how the Convention is applied in practice. The Committee, as a consequence, invited the State party to complete the next census as soon as possible and to include indicators disaggregated by ethnicity, religion and gender on the basis of voluntary self-identification, which will make it possible to determine the situation of groups falling within the definition of article 1 of the Convention. In this connection, the Committee drew the attention of the State party to its general recommendation IV (1973) on reporting by States, as well as to paragraph 8 of its reporting guidelines.

³⁶https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2f476%2fAdd.3&Lang=en-
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The Committee was concerned about the absence of a legal definition of racial discrimination in Nigeria's domestic law (Convention, art. 1). The Committee invited the State party to request its National Assembly Joint Committee, set up to review the Constitution, to consider adopting a definition of discrimination that includes the elements contained in article 1 of the Convention. The Committee regretted the paucity of information in the State party's report on the rights of non-citizens temporarily or permanently residing in Nigeria, including refugees, stateless persons, displaced persons and migrant workers. Furthermore, the Committee noted that the guarantees against racial discrimination contained in section 42 of the Constitution, do not extend to non-citizens (arts. 1 and 2).

In the context of the current constitutional review and the drafting of an Anti-Discrimination Bill by the Parliament, the Committee invited the State party to consider extending the scope of its domestic legislation so as to protect non-citizens from racial discrimination. The Committee requested the State party to provide an update of developments in this regard and to include further information on the enjoyment of rights by non-citizens residing in Nigeria, in particular refugees, stateless persons, displaced persons and migrant workers, in its next periodic report. In this regard, the Committee drew the attention of the State party to its general recommendation XXX (2004) on non-citizens.

The Committee noted with concern that the main principles of the Convention have not been incorporated in domestic law, in order that it can be directly invoked in the Nigerian courts (art. 2). The Committee invited the State party to take all necessary steps to incorporate the substantive provisions of the Convention in its domestic law, with a view to ensuring comprehensive protection against racial discrimination. The Committee was seriously concerned that despite attempts to foster national unity, prejudices and feelings of hostility among some ethnic groups persist in Nigeria, including active discrimination by people who consider themselves to be the original inhabitants of their region against settlers from other states. The Committee was particularly concerned at the persistence of inter-ethnic, intercommunal and interreligious violence in the country stemming from these hostile sentiments as well as at disputes over commercial interests and resource control, which have claimed thousands of lives and led to the displacement of a significant proportion of the population (art. 2).

The Committee encourages the State party to continue monitoring all initiatives and tendencies that may give rise to racist and xenophobic behaviour, and to combat the negative consequences of such tendencies. The Committee recommended that the State party carefully monitor the negative impact of its efforts to promote national unity through regional and state action and, in particular, the effects on relations between and among ethno-religious groups. The Committee recommended that the State party endeavour, by encouraging genuine dialogue, to improve relations between different ethnic and religious communities with a view to promoting tolerance and overcoming prejudices and negative stereotypes. It invited the State party to conduct studies with a view to effectively assessing and evaluating occurrences of racial discrimination. While noting that the 1958 Osu Abolition Law legally abolished work- and descent-based discrimination, the Committee remained concerned about persistent allegations that members of the Osu and other similar communities are still subjected to social exclusion, segregation and mistreatment, as well as discrimination in employment and marriage (arts. 2, 3 and 5).

The Committee drew the State party's attention to its general recommendation XXIX (2002) concerning racial discrimination based on descent and suggested that a detailed response on this issue be included in the State party's next report. It strongly recommended that the State party develop, in cooperation with non-governmental organisations and religious leaders, effective programmes to prevent, prohibit and eliminate private and public practices that constitute

segregation of any kind, including a wide-ranging information and public-awareness campaign to put an end to these practices. The Committee expressed deep concern about numerous reports of ill-treatment, use of excessive force and extrajudicial killings as well as arbitrary arrests and detentions by law enforcement officials in attempts to quell incidents of intercommunal, inter-ethnic and interreligious violence. The Committee was particularly disturbed by reports of serious acts of violence targeting members of particular ethnic groups in reprisal for attacks on security forces, including the October 2001 incident in Benue State. While the Committee took note of the establishment of numerous bodies to investigate these incidents, including panels of enquiry, it was concerned that most of the investigations have failed to produce prosecutions and sentences commensurate with the gravity of the crimes committed, leading to the appearance of impunity (arts. 2, 4 and 5).

The Committee recommended that the State party intensify its action to halt this phenomenon and requests that it submit detailed information about the number of persons who died and their ethnic affiliations, the prosecution of persons in relation to these events, and the sentences, if any, that were pronounced. The Committee urged the State party to make public the results of all investigations previously announced in response to these events and to sanction those responsible. The Committee expressed concern about the absence of an explicit penal provision in the State party's legislation prohibiting organisations and propaganda activities that advocate racial hatred, as required by article 4 (b) of the Convention (art. 4). In the light of its general recommendation XXX (2004), the Committee recommended that the State party introduce in its criminal law a provision to the effect that committing an offence with racist motivation or aim constitutes an aggravating circumstance. The Committee would also appreciate more detailed information on the procedure applicable to and the authorities competent to deal with cases of organisations reported to be racist.

The Committee was concerned about the persistence of discrimination against persons belonging to various ethnic groups in the fields of employment, housing and education, including discriminatory practices by people who considered themselves to be the original inhabitants of their region against settlers from other states. While noting the efforts taken by the State party to improve the representation of different ethnic groups in the public service, most notably by the Federal Character Commission, the Committee remains concerned about the reports of continuing practices of patronage and traditional linkages based on ethnic origin, leading to the marginalisation of certain ethnic groups in Government, legislative bodies and the judiciary (arts. 2 and 5).

The Committee recommended that the State party continue to promote equal opportunities for all persons without discrimination in order to ensure their full enjoyment of their rights, in accordance with article 2, paragraph 2, and article 5 of the Convention. In this connection, the Committee urged the State party to strengthen its Affirmative Action Plans in favour of underrepresented or marginalised groups, including women, in its employment policies with regard to the public service, and to submit in its next periodic report more detailed information on achievements under these programmes. The Committee was deeply concerned about the adverse effects on the environment of ethnic communities through large-scale exploitation of natural resources in the Delta Region and the other Riverine States, in particular, the Ogoni areas. It was concerned at the State party's failure to engage in meaningful consultation with the concerned communities, and about the deleterious effects of the oil production activities on the local infrastructure, economy, health and education. In this regard, the Committee also noted with concern that the Land Use Act of 1978 and the Petroleum Decree of 1969 are contrary to the provisions of the Convention. Furthermore, the Committee was alarmed at the reports of assaults, use of excessive force, summary executions and other abuses against members of local communities by law enforcement officers as well as by security personnel employed by petroleum corporations (arts. 2 and 5).

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In the light of general recommendation XXIII (1997) on the rights of indigenous peoples, the Committee urged the State party to take urgent measures to combat “environmental racism” and degradation. In particular, it recommended that the State party repeal the Land Use Act of 1978 and the Petroleum Decree of 1969 and the adoption of a legislative framework which clearly sets forth the broad principles governing the exploitation of the land, including the obligation to abide by strict environmental standards as well as fair and equitable revenue distribution. The Committee reiterated that along with the right to exploit natural resources there are specific, concomitant obligations towards the local population, including effective and meaningful consultation. It further urged the State party to conduct full and impartial investigations of cases of alleged human rights violations by law enforcement officials and by private security personnel, institute proceedings against perpetrators and provide adequate redress to victims and/or their families.

In the light of the “intersectionality” of ethnic and religious discrimination, the Committee remained concerned that members of ethnic communities of the Muslim faith, in particular, Muslim women, could be subjected to harsher sentences than other Nigerians. While noting the explanations provided by the delegation that all persons have the freedom to make their own choice with regard to the application of statutory, customary or religious law, the Committee noted that concerned persons may not necessarily be in a position to exercise individual choice in the matter (art. 5 (a)).

The Committee reminded the State party that all persons shall have the right to equal treatment before the courts and all other organs administering justice and drew the attention of the State party to its general recommendation XXV (2000) on gender-related dimensions of racial discrimination. The Committee noted with concern that the provision regarding the acquisition of nationality as laid down in section 26 (2) (a) of the Constitution does not appear to comply fully with article 5 (d) (iii) of the Convention, since it stipulates that a foreign man is unable to acquire Nigerian nationality in the same manner as a foreign woman (art. 5). The Committee recommended that the State party consider reviewing section 26 (2) (a) of its Constitution, so as to bring it into line with the provisions of the Convention and update the Committee on this matter in the next periodic report. In this connection, it drew the attention of the State party to general recommendation XXV (2000) and to general recommendation XXX (2004), which requests States parties to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalisation.

While welcoming the extensive counter-trafficking measures taken by the State party, including the establishment in 2003 of the National Agency for Prohibition of Trafficking in Persons and the adoption in 2003 of the Anti-Human Trafficking Law, the Committee remained concerned that human trafficking, including trafficking of foreign women, men and children, remained a serious problem in the State party (art. 5). The Committee regretted that no statistics were provided on cases where the relevant provisions of domestic legislation concerning racial discrimination were applied. The Committee reminded the State party that the mere absence of complaints and legal action by victims of racial discrimination may be an indication of the absence of relevant specific legislation, a lack of awareness of the availability of legal remedies, or insufficient will by the authorities to prosecute (art. 6). The Committee recommended that the State party provide for the relevant provisions in national legislation and inform the public of the availability of all legal remedies in the field of racial discrimination. The Committee further requested that the State party include in its next periodic report statistical information on prosecutions launched, and penalties imposed, in cases of offences that relate to racial discrimination and where the relevant provisions of the existing domestic legislation have been applied.

The Committee, while taking note of information on measures taken by the State party to enhance better understanding, respect and tolerance between different ethnic groups living in Nigeria, was of the view that the measures taken to promote intercultural understanding and education between

ethnic groups were unsatisfactory (art. 7). The Committee recommended that the State party strengthen measures to promote understanding, tolerance and friendship between ethnic groups, including comprehensive public education campaigns and intercultural education in school curricula. The Committee requested the State party to provide more detailed information on this issue in its next periodic report. The Committee, while noting the information provided by the delegation, reiterated its previous concern that measures taken to educate the public, law enforcement officials, members of political parties and media professionals on the provisions of the Convention remain insufficient (art. 7).

The Committee encouraged the State party to expand and strengthen existing efforts regarding human rights education. It further recommended that particular attention should be paid to general recommendation XIII (1993), according to which law enforcement officials should receive specific training to ensure that, in the performance of their duties, they respect and protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour, descent or national or ethnic origin. The Committee urged the State party to consider ratifying: (a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and (b) The International Labour Organisation Indigenous and Tribal Peoples Convention, 1989 (No. 169). The Committee noted that the State party has not made the optional declaration provided for in article 14 of the Convention and strongly recommended that the State party consider the possibility of making the declaration.

The Committee strongly recommended that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee referred to General Assembly resolution 59/176 of 20 December 2004, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment. The Committee recommended that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention. It further recommended that it include in its next periodic report information on measures taken to implement the Durban Declaration and Programme of Action at the national level, in particular the preparation and implementation of the national plan of action.

The Committee recommended that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicised. Pursuant to article 9, paragraph 1, of the Convention and article 65 of the Committee's rules of procedure, as amended, the Committee requests the State party to inform it of its implementation of the recommendations contained in paragraphs 14, 16 and 19 above, within one year of the adoption of the present conclusions. The Committee recommends that the State party submit its nineteenth periodic report jointly with its twentieth periodic report on 4 January 2008, and that it should address all points raised in the present concluding observations.³⁷

³⁷<https://tbinternet.ohchr.org/layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fNGA%2fCO%2f18&Lang=en>— Accessed 9/29/2022

Chapter Five

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

5.0 Introduction

The International Covenant on Economic, Social & Cultural Rights (ICESCR) is one of two international treaties that make the 'International Bill of Human Rights' (along with the Universal Declaration of Human Rights). It was adopted by the United Nations General Assembly as Resolution 2200 A (XXI) on 16 December 1966 and opened up to the ratification process by UN members. The ICESCR recognises that men and women are equal and promotes this equality in all aspects of life. Pursuant to this, the ICESCR provides specific goals for member nations to meet in order to achieve human rights for all. The resolution was ratified and then put into action on January 3, 1976. As of 2016, 114 United Nations member nations, out of a total of 193, have agreed to the International Covenant on Economic, Social & Cultural Rights. By signing this agreement, nations acknowledge that they have a responsibility in ensuring that the human rights of their citizenry are met.³⁸

The ICESCR provides the legal framework to protect and preserve the most basic economic, social and cultural rights, including rights relating to work in just and favourable conditions, to social protection, to an adequate standard of living, to the highest attainable standards of physical and mental health, to education and to enjoyment of the benefits of cultural freedom and scientific progress.³⁹ Nigeria signed the ICESCR on 29 July 1993. The obligations of State Parties under the Covenant are specified in the following Articles: Article 2 - A Country shall implement these rights "to the maximum of its available resources" and ensure equality in the enjoyment of the rights of the treaty; Article 3 - Countries should ensure equality between men and women in the enjoyment of these rights; Article 4 - Governments may only limit these rights in a way determined by law and in a way that is consistent with the Covenant; Article 5 - No person, group or government is lawfully empowered to destroy these rights. That is to say, governments should ensure the sanctity of the ESCR in their domains.

The rights of individuals guaranteed by the Covenant are contained in the following Articles: Article 1 - The right to self-determination and to freely pursue their economic, social and cultural development; To freely dispose of their natural wealth; and To be free from the deprivation of their own means of subsistence; Article 6 - The right to work; Article 7 - Right to just and safe working conditions, fair wages, equal opportunities for promotion, paid holidays and reasonable limitation of working hours; Article 8 - The right of everyone to form or join trade unions and the right to strike in conformity with laws of particular country; Article 9 - The right to social security; Article 10 - The right to family protections, i.e., marriage only by consent, leave for new mothers and protection of children from exploitation; Article 11 - Adequate standard of living, including adequate food, clothing and housing; Article 12 - The right to the highest attainable standard of health; Article 13 - The right to education; Article 14 - States shall make primary education compulsory and free of charge; Article 15 - The right of everyone to take part in cultural life and to enjoy the benefits of scientific progress.

³⁸<https://study.com/academy/lesson/icescr-international-covenant-on-economic-social-cultural-rights-summary-humanrights.html#:~:text=Economic%20Rights&text=The%20ICESCR%20tells%20us%20that,off%20of%20work%2C%20including%20holidays>.

³⁹<https://blogs.lse.ac.uk/vaw/int/treaty-bodies/international-covenant-on-economic-social-and-cultural-rights/>

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5.1 Nigeria's Initial Report

Nigeria's Initial Report to the UN Treaty Bodies on ICESCR was due on 30 June 1995. However, it was submitted on 7 February 1996. According to the initial report submitted by Nigeria, the government of the day came into office on 17 November 1993, but before then, a well-organised census exercise was carried out in all the 30 states of Nigeria as well as the Federal Capital Territory, Abuja, in 1991.

The census provisional figures were as listed below:

State	Males			Females			Total		
Lagos	2	999	526	2	686	253	6	685	781
Kano	2	858	724	2	773	316	5	632	040
Sokoto	2	188	111	2	234	280	4	392	391
Bauchi	2	202	962	2	091	451	4	294	413
Rivers	2	079	583	1	904	274	3	983	857
Kaduna	2	059	382	1	909	870	3	969	252
Ondo	1	958	928	1	925	557	3	884	485
Katsina	1	944	218	1	934	126	3	878	344
Oyo	1	745	720	1	743	069	3	488	789
Plateau	1	645	730	1	633	974	3	282	704
Enugu	1	482	245	1	679	050	3	161	295
Jigawa	1	419	726	1	410	203	2	829	929
Benue	1	385	402	1	394	996	2	380	398
Anambra	1	374	801	1	393	102	2	767	903
Borno	1	327	311	1	269	278	2	596	589
Delta	1	273	208	1	296	973	2	570	181
Imo	1	178	031	1	307	468	2	482	367
Niger	1	290	720	1	191	647	2	482	367
Akwa Ibom	1	162	430	1	197	306	2	359	736
Ogun	1	144	907	1	193	663	2	338	570
Abia	1	108	357	1	189	621	2	297	978
Osun	1	079	424	1	123	592	2	203	016
Edo	1	082	718	1	077	130	2	159	848
Adamawa	1	884	824	1	039	225	2	124	049
Kogi	1	055	964	1	043	082	2	099	046
Kebbi	1	024	334	1	037	892	2	062	226
Cross River	1	945	270		920	224	1	865	604
Kwara		790	921		775	548	1	566	469
Taraba		754	754		725	836	1	480	590
Yobe		719	763		691	718	1	411	481
Abuja F.C.T.		208	535		172	136		378	671
Total	44	544	531	43	969	970	88	514	501

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Further information on the country's population was provided, showing the different regions, states and local government authorities as follows:

Region	State	Local Government Areas	1991
Northern Region	Nigeria	593	88514
	Bauchi	23	4294
	Borno	21	2597
	Yobe	13	1411
	Adamawa	16	2124
	Taraba	12	1481
	Niger	19	2482
	Sokoto	29	4392
	Kebbi	16	2062
	Kwara	12	1566
	Kogi	16	2099
	Benue	18	2780
	Plateau	23	3284
Eastern Region	Kano	34	5632
	Jigawa	22	2830
	Kaduna	18	3969
	Katsina	25	3878
	Anambra	16	2768
	Enugu	19	3161
Eastern Region	Imo Abia	21	2485
		17	2294
	C. River Akwa	14	1866
		24	2360
Western Region	Rivers		
	Ikeja		
	Oyo	25	3489
	Osun	23	2203
	Ondo	26	3884
Mid-Western Region	Ogun	15	2339
	Edo	14	2160
Lagos	Delta	19	2570
	Lagos		
Regions and Lagos	FCT		
	30 States and FCT	593 LGAS	States and FCT

Nigeria's initial report reiterated the rights set out in the Covenant which include: The right to work (arts.6 and 7); The right to social security (art.9); The right to protection of the family (art.10); The right to an adequate standard of living (art.11);The right to education (art.13);The right to health (art.12);The right to join trade unions (art.8).According to the report, these provisions created new standards and obligations to which State parties to the Covenant are required conform.

It was noted in the report that following the ratification of the Covenant in 1993, Nigeria intensified efforts, resources, strategies and action plans geared towards the implementation of this body of rights. The Labour Act of 1990, according to the report, constitutes the fundamental statute by which the rights and privileges of workers and the appertaining terms and conditions of employment have been specified and enshrined in the Constitution of the land, thereby giving such rights, privileges, terms and conditions necessary empowerment under the law. For instance, the Minimum Wage Act

guarantees minimum enforceable levels of remuneration payable to any employee. It also defines such other employment conditions as hours of work, annual holidays, sick leave and rates of allowances as applicable. In so doing, the Act not only checked the odium of arbitrariness and excesses on the part of employers but equally protected the employee from undue exploitation.

As contained in the initial report from the Nigerian Government, deriving from the umbrella of rights under the Labour Act are the rights of women. By stipulating and guaranteeing the rights of each individual to work and the equality of pay without gender discrimination, the Labour Act brought liberation to the Nigerian woman in the workplace. This development constituted a fundamental departure from the old practices laden with prejudices. As a result, women in Nigeria can expect to receive equality as of right in terms of remunerations, leave grants and tax rebates, not to mention the official recognition accorded the importance of maternal well-being through such entitlements as maternity leave with full pay, as well as shorter working periods for nursing mothers. Of perhaps equal significance is the non-selectivity of these amenities which apply unconditionally to all women, regardless of their marital status.

Following from the above and sustaining its momentum for the protection of the rights of women, the Act proceeds to prohibit the employment of women under hostile conditions. Consequently, it has become unlawful to either employ women on night duty (with the exception of nurses and women holding responsible positions of management) or in underground work in mines (except those who may as part of their training be required to enter mines in the course of their studies).

The Act, as reported, is unequivocal and decisive in its protection of children and the disabled who may either be innocent, vulnerable or dependent. For instance, Government reserves, by legislation, a certain proportion of the labour force in its establishments for the disabled. Correspondingly, the Act and the Young Persons Act of 1958 guarantee protection of young persons from exploitation and stipulates accordingly the conditions under which a young person may or may not be employed. It definitely prohibits for instance, the employment of young persons in any capacity outside the family. Even so, the Act provides a stringent and rigorous checklist or catalogue of conditions regarding the nature and environment of such work (no night work, no work on public holidays, no machine work, no work as a trimmer or stoker, no work aboard ships; employment restricted to a place where it is reasonably possible to return each day to the place of residence of parent or guardian, etc.).

For the purposes of monitoring and control or audit and accountability, the Act further stipulates that it is mandatory for all employers of young persons in an industrial undertaking to keep a register of all young persons in their employ, with personal and official particulars (age, date of employment, conditions and nature of employment, etc.). Finally, the Act rejects forced labour, and wholly and entirely prohibits the practice. Although there are no comparative figures and statistics or parameters against which the declining trend of the phenomenon of child abuse through forced labour may be scientifically or empirically evaluated, there is a consensus among sociologists and social/welfare workers that the set of rights under reference may have already saved the future or even the lives of a significantly rising population through present and future generations.

The centrepiece of the Act, the report said, is the overriding principle of its enactment –the protection of Nigerian workers as a whole. Therefore, all provisions pertaining to the Act are geared towards improving the conditions of employment as a means of mobilising the well-being of the Nigerian worker. Thus, there is an adequate complement of clauses providing for the safety and healthy working conditions of employees. Furthermore, the legislation guarantees the right of employees to join associations within their economic group, and in so doing recognises the principle of "guided democracy", which principle, provided it is carried out within the ambit of the law, allows for the rights of associations to declare trade disputes and/or embark on strikes in defense of the rights of workers.

At its best, this Bill of Rights constitutes goals whose attainment embodies the spirit of the Act. So far, the Act has been as revolutionary as it has been transformational to the life of the Nigerian worker and the emergence of organised labour as the backbone of economic development and social well-being. The evolution may indeed be tardy but Nigeria is positively striding towards a decent realisation of this body of rights, in spite of the constraints of the severe economic turbulence and the attendant instability in the political environment.

In spite of everything said and done, Nigeria remains preponderantly an agrarian society, with over 80 percent of aggregate population-based dwellers. Thus, health experts and policy makers had realised early enough that an authentic health policy for Nigeria must be one that addresses healthcare delivery needs at the grass-roots levels. From a policy perspective, health care delivery has benefited immensely from the three-tier government structure which Nigeria operates. At the primary level of health care organisation, the existence of LGAs (Local Government Areas) corresponding to the World Health Organisation's definition of "districts" has provided the perfect vehicle for accelerated mobilisation and action. By enshrining within the Constitution, the statutory responsibilities of the LGAs towards the promotion and operation of primary health care (PHC) schemes, LGAs automatically become nodes and cells for comprehensive national health care mobilisation.

It was also noted in the report that no less than 593 LGAs were networked in a national grid designed to cater for the needs of some 16.1 million people for a full and comprehensive coverage. Conceptually, it is difficult to imagine a superior organisational framework. Each LGA enjoyed a decent measure of limited autonomy as provided in the Constitution, which autonomy conferred upon it the liberty to plan and execute health projects considered essential for the advancement of the well-being of people in its area of jurisdiction, albeit consistent with the statutory financial allocations received from the centre. And by placing health care delivery in the concurrent legislative list, the 1979 Constitution left no one in doubt about the intention to provide the greatest number the maximum good that is accruable from carefully dovetailed policy measures, running the entire gamut of governance, from primary to the tertiary levels of government.

After considerable brainstorming debates and deliberations, the National Primary Health Care Development Agency (NPHCDA) was established in 1992 with the aim and purpose of ensuring sustainability of primary health care nationwide. The fundamental goals and objectives of the national primary health care scheme are as follows: (a) Reducing the infant mortality rate through the minimisation of occurrence of childhood diseases in general, and commensurate reduction in the levels of morbidity and complications due to the occurrence of diseases in children; (b) Promoting safe motherhood through the improvement and expansion of existing material and child health care facilities and services; development and/or adoption of technologies aimed at the protection of the health of mothers and children; (c) Ensuring a rising trend of increase in productive life years, and conversely a reduction in the incidence and prevalence of disability; providing adequately for the rehabilitation of the disabled, thereby increasing their productive life years also; (d) Providing an ever-widening sphere of basic immunisation coverage so as to achieve the following sub-objectives and goals: (i) As part of the global long-term programme for the eradication of measles, reduction of measles deaths by 95 per cent (compared with pre-immunisation levels); (ii) Achieve a cumulative immunisation coverage level of 80 per cent against diseases such as diphtheria, pertussis, tetanus, poliomyelitis, tuberculosis; (iii) Achieve and sustain an aggregate immunisation coverage level of 90 per cent against measles for "under-ones", and tetanus toxoid for women of child-bearing age; (iv) Successful incorporation of yellow fever and hepatitis B vaccines into the Expanded Programme on Immunisation (EPI) scheme;

Others are stimulating, sustaining and coordinating the realisation through the phenomenon of

Essential Drugs Coverage and promotion of the Bamako Initiative, of the goal of ensuring that quality essential drugs are available and accessible in all LGA health facilities at affordable prices, and to generally improve the quality and accessibility of primary health care services; Sponsoring adult health literacy by organising such educational platforms as will ensure, amongst others, that all adults are aware of the prevailing health problems in their localities and that all adults are made aware of and encouraged to utilise the available health services in their environments; Promoting the Household Food Security Programme, under which information is freely disseminated regarding household food security in Nigeria. Under the prevailing regime, there is a dearth of information on household food security such that in 1986, some 18 per cent of Nigeria's households were estimated to suffer food insecurity. Between then and 1994, it is further estimated, rather regrettably, that the rate of household food security has dropped from 82 percent to 64 percent;

Instituting and developing progressive water supply and sanitation schemes designed to ensure increased availability of potable water supplies and adequate disposal of solid and human wastes in rural and urban communities with the vision of reducing the incidence of endemic water-related diseases; Combating proactively the scourge of the HIV/AIDS menace: In this regard, it is to be pointed out that by April 1994, Nigeria (with a population of 88.5 million people – 1991 census) had recorded a cumulative 1,128 reported cases of AIDS. Routine serological screening and surveys since 1992 indicate a rising trend in the epidemic within Nigeria. Current prevention and control interventions place a high premium on activities that have a positive influence on people's behaviour at the community level. Hence, the prevailing focus on the creation of public awareness not only of AIDS, but also of other sexually transmitted diseases (STDs).

The public enlightenment programmes are supplemented with other complementary efforts such as: (i) Establishing condom supply systems/centres, and promoting the use of same for prevention of STD and HIV infections; (ii) Establishing and promoting STD care-seeking behaviour particularly at the grass-roots levels; (iii) Instituting emergency preparedness and response (EPR) as a nationwide strategic action plan. The plan seeks to devise and place adequate contingency plans to mitigate the effects of disasters/emergencies, and minimise the impact of disasters on public health by incorporating safety-enhancing standards and measures designed to save lives and protect property; (iv) Sponsoring and promoting health education. This strategy is complementary to measures under the Adult Health Literacy Programme and reinforces their gains and strengths. The literacy rate in Nigeria is a deplorable 52 per cent, and there are obvious indications that health knowledge and practices cannot be, and are not, at desired levels. Cheerfully, some significant efforts are already in existence in terms of redressing the situation through the provision of health education services covering the diverse disciplines of primary health care.

Regrettably, emphasis and pressure have been more on rhetoric, augmented with the distribution of pamphlets whose circulation is usually restricted to the environs of health facilities. However, it is to be remembered at all times that the role of health education is central to primary health care delivery for the following reasons: (i) To create full awareness of the prevailing health problems and available healthcare services in their localities; (ii) To understand the causes of the prevailing health conditions and how to prevent and control them.

Apart from the institutional and legislative provisions which the Constitution guaranteed, Government also made mandatory the development of essential physical infrastructure to enable the implementation of the basic health care scheme. For instance, central to the scheme is the building in each local government area of: (a) A comprehensive health centre that would serve as the headquarters and coordinating centre of primary health care programmes, activities and services at the grassroots level; (b) Four primary health centres and 20 health clinics that would function as delivery points, under the scheme, to the constituent communities. Further, to deliver the health

manpower stream required to drive and sustain the scheme, government policy provided for the establishment in each State of a health technology school. It is the responsibility of these schools to train and develop the three categories of health workers envisaged, namely, supervisors, assistants and aides.

The report noted that based on the instrument of statutory financial regulation, primary funding for the scheme is provided by the Federal Government through its annual budgets. Supplementary funding is supplied by State Governments since health care delivery is thankfully on the concurrent legislative list. Although the strategy for health care delivery envisaged free availability of services ("free of charge") to the people, owing to the phenomenon of under-funding arising from the inadequate supply of budgeted funds or shortages of other financial resources, the scheme suffered from poor implementation, especially in the rural areas. The following symptomatic manifestations of funding constraints were discernible: Under-provision of drugs; Lack of repair and replacement of equipment and vehicles; Dilapidated infrastructures; Fall in real salary levels, leading to the exodus of qualified professional staff; Inadequate staff, particularly in remote rural areas; Lack of a functional information system.

The natural outcome of this undesirable state of affairs was that consumers of health care were forced to turn to and use non-governmental and private health facilities, where they were required to pay inordinately high fees. It was, however, observed that the problem of resource deficiency for primary health care delivery was an aftermath of the national economic crisis and the implementation of the structural adjustment programme (SAP) designed to resolve it, but which concurrently had an adverse and exacerbating effect on the social sectors. This unfortunate situation, however, is unlikely to ease or reverse in the near future. Because the primary healthcare programme, which is the main thrust of the national health policy, required additional resources to succeed under the prevailing dispensation, it led to the canvassing of a proposal for the institution of a national health insurance scheme for every worker.

Furthermore, the Labour Act articulated the provision of medical attention to every staff and family of workers, quite apart from the stipulations for a safe working environment. Finally, Government's policy on health was well captured and encapsulated in the slogan "Health for all by the year 2000. Nigeria also adopted a positive strategy for its implementation based on the primary health care systems, which it pursued relentlessly in collaboration with UNICEF and other agencies of the United Nations.

The population, which was then approximately 100 million people, was growing at an estimated rate of 3.5 per cent annually. Nigeria's literacy rate was currently estimated at 42 per cents an instrument for mobilising social and economic change, education occupied the sustained focus and attention of policy makers before the attainment of independence. The desire to achieve the goal of universalising education recorded some memorable milestones throughout the historical development of Nigeria. For example, 1995 was the year in which the old Western Region launched its landmark programme of universal free education.

Because of its transformative role as a facilitator of rapid developments in national advancement, education in Nigeria was accorded top priority under the development programmes of successive Governments since the colonial era. The prominence accorded education within the scope of national strategic planning frameworks over time was amply illustrated by the nature and calibre of the following past programmes:- "The Ten-Year Education Development Plan (1946-1955)"; - "The 1948 Education Ordinance"; and - "The National Policy on Education of 1981". All of the programmes shared a common philosophy, namely, the recognition of education as the "instrument par excellence" of the socio-economic, political and technological advancement of the country and the empowerment of the individual. Having ratified the International Covenant on Social, Economic and

Cultural Rights, Nigeria was bound to the commitment to reach the Education for All target by the year 2000 (or thereafter).

Furthermore, Nigeria made additional similar commitments through the endorsement of the United Nations Declaration on the Survival, Development and Education of Children and the ratification of the OAU Declaration on the Rights and Welfare of the African Child. These commitments to meet the basic learning needs of all by the end of the decade were reaffirmed in 1993, at New Delhi, at the Summit of Heads of Government of the nine high-population countries.

Expectedly, as in many laudable schemes of equivalent character and dimension, implementation was hamstrung by a variety of institutional, economic and socio-cultural bottlenecks; thus, the major challenges of Education for All in Nigeria were identified and grouped under four main subject headings as follows: (a) Infrastructural capacity: This challenge involves the twin-pronged strategy of increasing access to primary schools for children of school age, and correspondingly reducing the drop-out rates from enrolment registers. It therefore entails the expansion of existing primary schools, and the creation/development of new institutions in order to increase the aggregate retention power of schools; (b) Gender disparity: It is an empirical fact, long since identified and verified, that female enrolment in education is significantly less than the equivalent male benchmarks. To further potentiate this problem, it has been equally established that in most states, girls are more susceptible to withdrawal from educational programmes before achieving an enduring and satisfactory level of literacy – all of which has led to the inevitable conclusion that the barriers to girl-child education in Nigeria need to be pro-actively engaged, and tackled positively and aggressively; (c) Quality and relevance: There is a need to ensure that beneficiaries of a complete primary education cycle achieve mastery of and proficiency in essential learning and life skills to justify the exertion and expenditure within the total endeavour. Quality is affected by such factors as the school curriculum, and the availability of key resource inputs, like teaching manpower, teaching aids and instructional materials. Under the prevailing economic downturn in Nigeria, the attenuation of national resources poses a critical handicap to the provision of this basket of requirements; (d) Funding and management: The problem of funding has been for Nigeria the biggest challenge to the realisation of the Education for All (EFA) objective. Some of the facilitating strategic positions and actions adopted in order to address and/or resolve the issues mitigating the attainment of the declared EFA objective are outlined in the following paragraphs.

The network of strategies articulated fell into the following broad categories: (a) Institutional framework: The following institutions were established to cater for the various categories of target groups for basic education: (i) The National Primary Education Commission (NPED) was re-established in 1993 to take care of the funding and management of primary education. Corresponding structures like the State Primary Education Board (SPEB) were also established at State, local government, district and village levels to ensure grass-roots mobilisation and participation in the management of primary education; (ii) The National Commission for Mass Literacy, Adult and Non-Formal Education was established in 1990 and charged with the responsibility of promoting literacy and adult education; (iii) Other existing institutions (in existence before 1990) include the National Commission for Nomadic Education established in 1989 and the Women Education Branch in the Federal Ministry of Education (FME) created in 1989 to promote women and girl-child education;

(b) Non-institutional framework: This strategic thrust encompasses a gamut of action plans (material and non-material) involving enrolment drives, mass literacy campaigns, encouragement of the participation of communities, voluntary agencies, NGOs, private and corporate bodies in funding basic education and the establishment of private pre-primary and primary institutions. The resultant effect of the implementation of this strategic option was a significantly increased access to pre-

primary and primary education; (c) Improvement of the learning environment: The process of improvement of the learning environment through provision of necessary infrastructure as well as learning and teaching materials was at all times a priority consideration for Government. Under this initiative, State Governments built new schools and libraries and rehabilitated the existing primary schools. On a new and innovative platform, the primary education project co-sponsored by the Federal Government and the World Bank in 1992 was designed to revitalise and upgrade education nation-wide through the provision of instructional materials including textbooks, supply of equipment, training of personnel, and effective monitoring and evaluation of the primary system. On the whole, under this programme, 11 million books were printed and distributed to over 33,000 primary schools in the country.

(c) Improvement of management and funding: There was a consistently improved budgetary allocation to the education sector over the recent years in the annual budgets at both Federal and State Government levels. To reinforce the healthy development, Government established an Education Bank and instituted an Education Tax Fund in order to improve the resource base for basic education and community participation; (i) Curriculum review: Learning from the pitfalls of the past and building upon the associated experience, a review programme was installed and operationalised such that primary schools and adult education curricula were reviewed and revised periodically to ensure relevance and suitability. In the spirit of the review system, the Women Education Curriculum was under particular review, and correspondingly there was also a plan to review the primary school curriculum with a view to making it female-friendly; (ii) Capacity building: Continuous training of teachers for primary school was intensified in order to ensure that those who manage and implement basic education projects were sufficient in number and capable; (c) Collaboration with international organisations: The Federal Ministry of Education collaborated with some of the United Nations agencies in the implementation of the basic education project. These included the FGN/UNICEF programme on cooperation in basic education; the World Bank Primary Education Project (1994-1996); the UNESCO/UNICEF Learning Achievement Project in Nigeria; and the FGN/UNDP Mass Literacy Programme.

Also, the United Nations Overseas Development Administration indicated interest and willingness to assist Nigeria in the areas of primary, adult and nomadic education; (d) Appropriate legislation: In addition to establishing institutional frameworks, Government gave legal force to new policies and initiatives through enacting various legislation, including the following: (i) The enabling decree that transferred the management of primary education to local Governments has been repealed. In its place, decree 96 of 1993 gave the National Primary Education Commission the authority to manage primary education; (ii) Decree No. 31 of 1993 established the Teachers Registration Council of Nigeria; (iii) Decree No. 30 of 1993 has categorised teaching as an essential service; (iv) The National Board for Educational Measurement was also established; (v) Decree No. 9 of 1993, Education (National Minimum Standards and Establishment of Institutions) Amendment Decree prescribed conditions and guidelines for establishing educational institutions; (vi) The institution of an education tax made it compulsory for all companies employing more than 200 persons to pay 2percent of their pre-tax to an Education Fund; (vii) The establishment of the Education Bank which enabled students to obtain self-loans to finance their education. Furthermore, the Federal Government encouraged State Governments to enact laws against early withdrawal of the girl child from school for reasons attributable to early marriage.

From the report, it was apparent that on the whole, enrolment for pre-primary education, a sector which had hitherto received inadequate attention was greatly improved. The gross enrolment in primary schools exceeded the 84 percent target set for 1995, this being the cumulative outcome of intensive government efforts (geared towards a rising enrolment) instituted since 1990. There was equally a corresponding increase in the number of existing schools from 35,433 in 1990 to 38,254

in 1993. Enrolment of girls in primary education also remarkably improved since 1990, as national, State and community advocacy efforts succeeded in attracting more girls into schools. In the same vein, access to education was extended to the nomads. Available statistics showed that about 47,000 children of nomads had access to education. Concurrent attention was equally being paid to the education needs of children of migrant fishermen and children in especially difficult circumstances, like street children. Elsewhere, efforts were made to infuse elements of basic education into the curriculum of Koranic schools to ensure that the large numbers of children attending Koranic schools also acquire a basic western education. The issue of gender disparity was greatly reduced. This is partly due to the fact that the Federal Government established two secondary schools in each of the 30 States of the Federation, one exclusively for girls and the other coeducational.

As reported, the right to protection of family was recognised in Nigeria and it was manifest through the launching of the Family Support Programme (FSP) by the wife of the Head of State, which was aimed at the support and protection of the family as an entity as the first recourse of the individual. The Constitution also guaranteed right to privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications. In realising the importance of the family and the special role of women in sustaining a stable home, a special Ministry was created for Women's Affairs. This Ministry was charged with the responsibility of coordinating the welfare of children, women in particular, and the family as a whole.

The FSP was introduced to improve and sustain good living conditions for Nigerian families both in the rural and urban areas. FSP has successfully sensitised and mobilised women and, in fact, the entire populace on the aims and objectives of the programme. The FSP tried to address the issue of the role of children and women in the family, where children and women have the right to contribute meaningfully to the development of the individual components of the family. The family is therefore to be seen as a unit consisting of the father, mother and the children, and if the family is seen that way, everybody in effect has the right to membership and freedom. Wives and women are not to be seen as second-class citizens.

The importance of children in a family was to be emphasised as they are the leaders of tomorrow and this requires political action at the highest level. The Young Persons Act of 1958 addressed the issue of welfare of children but did not address the issue of child abuse by parents, beating of children and sending them to the streets to beg and trade, child slavery, which occurs because of economic hardship, and coercing children into marriages. New legislation was put in place to take care of those, and alleviate the suffering of children in order to promote the full development of their human potentials.

Women in their various roles play a critical role in the well-being of children. The enhancement of the status of women and their equal access to education, training, credit and other extensive services constitute a valuable contribution to a nation's socioeconomic development. Prior to the launching of the FSP, another programme was in place specifically geared towards the emancipation of the rural women in particular, and women in general. The programme was equally geared towards the realisation of rural women's economic objectives and a better standard of living. These programmes, though laudable, were not effectively carried out due to limited resources and cultural practices in certain parts of the country.

According to the report, on the whole, Nigeria has been implementing these rights despite the severe economic turbulence being experienced. The economic situation of the vast majority of

the population has deteriorated considerably and inflation has increased immensely; so, the implementation of these rights is subjected to the economic situation of the country.⁴⁰

5.2 Concluding Observations on Nigeria's Report

The Committee welcomed the presentation of Nigeria's initial report as well as the presence before the Committee of a delegation drawn from Nigeria's Permanent Mission at Geneva. The Committee regretted that no expert delegation could come from the capital and also the fact that Nigeria's initial report did not conform to the established guidelines of the Committee and that the additional information was received too late to be translated. Furthermore, the Nigerian delegation acknowledged that it was not equipped with the detailed and up-to-date facts and statistics required to satisfactorily answer the list of issues submitted by the Committee to the Nigerian Government 11 months earlier. Additional information promised by the delegation during the dialogue was never received.

The enjoyment of economic, social and cultural rights was hindered by the absence of the rule of law, the existence in Nigeria of military governments, the suspension of the Constitution in favour of rule by military decree and the concomitant resort to intimidation, and the negative effects of widespread corruption on the functioning of governmental institutions. The Nigerian people were deprived of the necessary judicial protection of their human rights because the judiciary was undermined by "ouster clauses" attached to many military decrees as well as by the military Government's refusal to implement the judiciary's decisions.

The Committee also observed that the negative attitude of the Government of Nigeria with respect to the promotion and protection of human rights in general, and economic, social and cultural rights in particular, was further illustrated by its refusal to cooperate with the United Nations human rights mechanisms, in particular the Special Rapporteur of the Commission on Human Rights and the Secretary-General's fact-finding mission.

The Committee welcomed the establishment of the Nigerian Human Rights Commission, although it noted that the powers and independence of the Commission had been the subject of criticism. The Commission made salutary recommendations in the field of human rights and recommended the creation of prison inspection committees. Many of the Commission's recommendations, however, went unheeded.

The Committee welcomed the establishment of a Ministry for Women's Affairs which was responsible for the welfare of women and children and the marginal improvements made in women's participation in the political process. Three women were included in the Cabinet. It also welcomed the establishment of the National Child Rights Implementation Committee and the preparation of a National Child Plan of Action. The Committee took note of the statement by the delegation to the effect that Nigerian education and health sectors, as from 1998, received more attention and larger budgetary allocations with substantial increases for infrastructure, health and education.

The Committee noted with regret that the Special Rapporteur of the Commission on Human Rights, as noted in his report (E/CN.4/1998/62), was not permitted to visit the country and that the Nigerian Government failed to heed the appeals and concerns expressed by the Secretary-General's fact-finding mission, the decisions of the African Commission on Human and Peoples' Rights and the statements of the Nigerian Human Rights Commission, the Commonwealth Ministerial Action Group and the International Labour Organisation. The Committee expressed

⁴⁰https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2f1990%2f5%2fAdd.31&Lang=en

its regret that the Nigerian authorities deemed it fit to expel an estimated 500 Chadian and other workers in inhuman and undignified circumstances, including persons with residence permits who had been legally established for many years in Nigeria and had participated in and contributed to the social security system. No adequate compensation was known to have been made to the majority of them.

In the light of this, and substantiated by the report of the Special Rapporteur of the Commission and by the latter's resolution 1998/64 of 21 April 1998 regarding the human rights situation in Nigeria, as well as by the many other reports of independent international organisations and NGOs (all the relevant material having been made available to the Nigerian delegation before and throughout the dialogue), the Committee drew the conclusion that the rule of law was absent in Nigeria, with the attendant extensive violations affecting all aspects and domains of economic, social and cultural rights in the State party. The Committee was concerned about the high percentage of unemployment and underemployment among Nigerian workers, particularly agricultural workers, due to the neglect of the agricultural sector. This led to massive migrations by agricultural workers in search of work to the cities, where they live in poverty and degrading conditions. The Committee expressed its concern that women suffered discrimination in the workplace, particularly with respect to access to employment, promotion to higher positions and equal pay for work of equal value.

The Committee was concerned that the Executive Councils of the Nigeria Labour Congress (NLC), the National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Association (PENGASSAN) were dissolved in 1994 by military decree and that military administrators were appointed to run these trade unions since then. The Committee further noted with concern that the military Government also decreased the number of labour unions from 42 to 29 and prevented unions from associating with International Federations of Labour Unions (ILO). Despite repeated recommendations by the ILO, violations continued to persist. In this regard, the Committee regretted that the Nigerian Government refused to receive the visit of a direct contact mission of the ILO to discuss these matters.

The Committee was greatly concerned at the fate of the NUPENG General Secretary, Frank Kokori, and the PENGASSAN General Secretary, Milton Dabibi, who were imprisoned for four and two years respectively, without being charged or tried. The Nigerian delegation could not explain why they had not been charged or tried until the time of this report. The Committee expressed deep concern over repeated violations of the right to strike, wherein industrial action by workers seeking higher salaries were repressed by the Government under the pretext of State security. The Committee expressed its concern about the Government's policy of retrenchment aimed at dismissing up to 200,000 employees in the public sector, without adequate compensation. The Committee noted with concern that in 1997 the military Governor of the State of Kaduna issued a decree dismissing 22,000 workers of the Kaduna State Civil Service when they went on strike.

It also expressed its dissatisfaction with the implementation of the inadequate social security system. The delegation indicated that the Nigerian Government did not interfere with the private sector, where most workers were engaged. No statistics or other information were provided about the degree of enjoyment by employees of the private sector of their social security rights, nor were there any statistics about the Government's attempts to spread the social security net to cover the majority of the unemployed poor. The National Nigerian Insurance Trust Fund did not cover all the needy. In the private sector, social security benefits were voluntary, depending on employers' whims.

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The Committee deplored the failure of the Government of Nigeria to abolish female genital mutilation, a practice which is incompatible with the human rights of women and in particular with the right to health. According to UNICEF, the prevalence of female genital mutilation in Nigeria was estimated to be 50 percent of the female population. The Committee condemned the continuing existence of legal provisions which permitted the beating ("chastisement") of women by their husbands.

The Committee noted with concern that polygamy, a practice which is very often incompatible with the economic, social and cultural rights of women, was widespread in Nigeria. The Committee expressed deep concern about the rising number of homeless women and young girls, who were forced to sleep in the streets where they were vulnerable to rape and other forms of violence. Children were not much better off. Many resorted to prostitution to feed themselves. The rate of school drop-outs at the primary school age was over 20 percent. An estimated 12 million children were believed to hold one job or another. For those who went to school, up to 80 or more were crammed into dilapidated classrooms originally meant to take only a maximum of 40. They were the first to suffer the results of broken marriages. Nigerian law did not provide equal treatment to children born in wedlock and those born out of wedlock. Most alarming was the widespread problem of children suffering from malnutrition. Almost 30 percent of Nigerian children suffered from malnutrition and its damaging consequences at the time of this report. According to UNICEF, all available evidence showed that hunger and malnutrition were prevalent in Nigeria.

The Committee was greatly disturbed that 21 percent of the population of Nigeria lived below the poverty line in spite of the country's rich natural resources. The Committee further noted with concern that due to economic and administrative mismanagement, corruption, runaway inflation and the rapid devaluation of the naira, Nigeria ranked among the world's 20 poorest countries. According to World Bank estimates, at least 17 million Nigerians many of whom were children, were undernourished. The gap was widening between the (increasing) rate of population growth and the demand for food on one hand, and the (falling) rate of food production, on the other hand. Nigeria moved from an exporter of food items to a net importer.

The Committee was appalled at the great number of homeless people and noted with concern the acute housing problem in Nigeria where decent housing was scarce and relatively expensive. The urban poor, especially women and children, were forced to live in makeshift shelters in appalling and degrading conditions presenting hazards for both physical and mental health. Safe, treated pipe-borne water was available to about 50 percent of urban dwellers but to only 30 percent of rural inhabitants. In general, only 39 percent of Nigeria's population had adequate access to clean drinking water.

The Committee noted with concern that gross under-funding and inadequate management of health services during the last decade had led to the rapid deterioration of health infrastructures in hospitals. The capital allocation for health and social services in the 1996 budget was N1.7 billion, only 3.5 percent of all capital allocations went to federal ministries. Frequently, hospital patients not only had to buy drugs, but also had to supply needles, syringes and suture thread, in addition to paying for bed space. As a result, many Nigerian doctors chose to emigrate.

The Committee noted with alarm the extent of the devastation that oil exploration caused to environment and the quality of life in those areas, including Ogoni land where oil had been discovered and extracted without due regard for the health and well-being of the people and their environment. The Committee regretted the fact that the Government's social and health allocations were consistently diminishing and that the authorities reintroduced primary school

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fees in certain states and imposed hospital charges where they did not exist before. School children often carried their desks and chairs from their homes to the school. According to reports by UNICEF, there was a marked reduction in school-age children going to school as parents could not afford to pay the new drastically increased school fees for primary and secondary school. Poor educational quality was due partly to little teacher attention being devoted to schoolwork because of poor salaries, leading to incessant strikes and school closures.

University fees increased dramatically in 1997 and students in some universities, especially in southern Nigeria, were required to pay 10 times as much as other students. In addition, satellite campuses were forced to close for no particular reason. The military authorities found intellectuals, journalists, university professors and university students easy targets for repression or persecution on the pretext that they constituted the most vociferous and dangerous political opposition. One of the major university campuses was put under military guardianship. Universities suffered repeated and long periods of closure. There was also brain drain in academia, as a result of political and academic instability as well as the extremely low salaries of university professors.

According to the Committee's report, the restoration of democracy and the rule of law were prerequisites for the implementation of the International Covenant on Economic, Social and Cultural Rights in Nigeria. Elimination of the practice of governing by military decree and the strengthening of the authority of the Nigerian judiciary and the Human Rights Commission were necessary first steps in restoring confidence in the regime's intention to reinstitute democratic civilian rule. The Committee urged the Nigerian Government to open up to United Nations bodies, specialised agencies and other international organisations and to conduct constructive and transparent dialogues with them, as a necessary step towards the restoration of confidence in Nigeria's intention to implement its human rights obligations, including those under the Covenant.

The Committee called upon the Nigerian Government to restore a democratic political system and respect for the rule of law, which was a prerequisite for the development of a system of government which promotes full respect for economic, social and cultural rights. Respect for trade union freedoms and academic freedom were also to be restored. The Committee urged the Government, in the strongest terms, to release trade union leaders and members, especially those named above, who were imprisoned without being charged or tried. Harsh prison conditions were to be alleviated and political prisoners freed. The rights of labour unions and syndicates were to be restored and respected.

The rights of minority and ethnic communities, including the Ogoni people, were to be respected and full redress provided for the violations of the rights set forth in the Covenant that they suffered. The Committee called on the Government to cease and prevent, in law and in practice, all forms of social, economic and physical violence and discrimination against women and children, especially the continuous, degrading and dangerous practice of female genital mutilation. Likewise, the Nigerian Government was asked to enact legislation and ensure by all appropriate means the protection of children against the many negative consequences ensuing from child labour, dropping out of school, malnutrition, and discrimination against children born out of wedlock. The Nigerian Government was asked to take steps to meet the targets it accepted in relation to Education for All by the year 2000 and enforce the right to compulsory, free primary education.

The Committee urged the Government of Nigeria to cease immediately the massive and arbitrary evictions of people from their homes and to take such measures as were necessary to alleviate the plight of those who were arbitrarily evicted or were too poor to afford decent

accommodation. In view of the acute shortage of housing, the Government was asked to allocate adequate resources and make sustained efforts to combat this serious situation. The Committee recommended that a more positive and open dialogue between the Committee and the Nigerian Government be undertaken and maintained. The Government need not wait until its next report is due in five years' time, the Committee advised, and called upon the Government to submit a comprehensive second periodic report, prepared in conformity with the Committee's guidelines, by 01 January, 2000. The Committee urged the State party to disseminate the concluding observations widely.⁴¹

⁴¹https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f1%2fAdd.23Lang=en

Chapter Six

THE CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

6.0 Introduction

The Convention on the Protection of the Rights of All Migrant Workers and Members of their Families is a comprehensive international treaty focusing on protecting migrant workers' rights. It emphasises the link between migration and human rights – a policy topic that draws increasing attention worldwide. The Convention opened a new chapter in the history of determining the rights of migrant workers and in ensuring that the rights are protected and respected. It incorporates the results of over 30 years of discussion, including United Nations human rights studies, conclusions and recommendations of meetings of experts, and debates and resolutions in the United Nations on migrant workers.⁴² Nigeria acceded to the International Convention on the Protection of All Migrant Workers and Members of Their Families on 27 July 2009.

Like all other international human rights instruments, the Convention sets standards for the laws and the judicial and administrative procedures of individual States. States that ratify or accede to the Convention undertake to apply its provisions by adopting necessary measures⁴³ to end worker exploitation during the migration process. The Convention establishes minimum criteria for migrant workers and members of their families. The Convention categorises migrant workers into five distinct groups: frontier, seasonal, self-employed, seafarer, and itinerant. It is divided into nine sections: scope and definitions; non-discrimination about rights; human rights of all migrants; other rights of migrants who are documented or in a regular situation; provisions applicable to specific categories of migrants; and the promotion of sound, equitable, humane, and legal conditions in connection with international migration.

The full details of rights covered by the Convention are provided in the following articles: Article 15 - Protects migrant workers from the arbitrary deprivation of property; Article 16 - Gives arrested or detained migrant workers and members of their families the right to communicate with the consular or diplomatic authorities of their State of origin; Article 20 - Provides that no migrant worker or member of his/her family shall be expelled or deprived of his authorisation of residence or work permit merely on the ground of failure to fulfil an obligation arising out of a work contract unless fulfilment of that obligation constitutes a condition for such authorization or permit; Article 21 - Safeguards against confiscation, destruction, or attempts to destroy identity documents, documents authorising entry to or stay, residence or establishment in the national territory or work permits and prohibits the destruction of the passport or equivalent document of a migrant worker or a member of his or her family; Article 22 - Provides, inter alia, that migrant workers and members of their families shall not be subject to measures of collective expulsion and that they may be expelled from the territory of a State party only in pursuance of a decision taken by the competent authority by the law; Article 23 - Spells out the right of migrant workers and members of their families to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin whenever the rights recognised under the Convention are impaired; Article 25 - Establishes that migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and other conditions of work and terms of employment.

⁴²Background to the convention. (n.d.). OHCHR. <https://www.ohchr.org/en/treaty-bodies/cmw/background-convention>

⁴³Background to the convention. (n.d.). OHCHR. <https://www.ohchr.org/en/treaty-bodies/cmw/background-convention>

Article 26 - The right to take part in meetings and activities of trade unions, and freely join them; Article 27 - Stipulates that, concerning social security, migrant workers and members of their families shall enjoy the same treatment granted to nationals in so far as they fulfil the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties. Article 28 - The right to receive any medical care that is urgently required for the preservation of their life or avoidance of irreparable harm to their health based on equality of treatment with nationals of the State concerned. It is important to stress that such emergency medical care shall not be refused because of any irregularity about their stay or employment; Article 30 - establishes that each child of a migrant worker shall have the basic right of access to education based on equality of treatment with nationals of the State concerned.⁴⁴

6.1 Reporting Status

Nigeria is yet to submit a substantive report to the Committee. With the absence of a report by Nigeria, the Committee considered the situation in Nigeria concerning the implementation of the Convention at its 347th meeting (CMW/C/SR.347), held on 5 April 2017. On the basis of information from, inter alia, other United Nations bodies and mechanisms, the Committee adopted the following concluding observations at its 359th meeting, held on 13 April 2017. The Committee regretted that Nigeria did not submit a reply to the list of issues, which would have constituted its report under article 73 of the Convention, despite numerous requests to do so. The Committee also regretted that Nigeria did not submit factual information about the country, in line with the harmonised guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN.2/Rev.61).

The Committee considered Nigeria's failure to honour its reporting obligations under the Convention a breach of article 73. The Committee also regretted that Nigeria did not send a delegation, which prevented it from engaging in a constructive dialogue with Nigeria. The Committee impressed upon Nigeria that non-compliance with its reporting obligations creates serious obstacles to the effective functioning of the mechanism set up to monitor the implementation of the Convention. Nigeria is a recognised origin, destination, and transit country by the Committee which also observed that many of the countries where Nigerian migrant workers are employed have not yet ratified the Convention, which may make it difficult for migrant workers to exercise their rights under the Convention.

The Committee noted with appreciation the ratification of or accession to the following instruments: (a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in September 2012; (b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in September 2010; (c) The Optional Protocol to the Convention on the Rights of Persons with Disabilities, in September 2010; (d) The Convention on the Reduction of Statelessness, in September 2011; (e) The Convention relating to the Status of Stateless Persons, in September 2011.

The Committee welcomed Nigeria's adoption of the following legislative measures since its accession to the Convention: The 2015 amendment to the Trafficking in Persons (Prohibition), Enforcement and Administration Act; The 2015 Immigration Act. The Committee welcomed the following institutional and policy measures: The adoption of the National Migration Policy and its implementation plan, in May 2015; The adoption of the National Labour Migration Policy and its action plan in October 2014. The Committee acknowledged that Nigeria is facing difficulties due to the violence linked to Boko Haram attacks against communities in Nigeria which may interfere with the full realisation of all the rights of migrant workers and members of their families under the

⁴⁴International convention on the protection of the rights of all migrant workers and members of their families. (n.d.). OHCHR. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>

Convention. The Committee regretted the lack of information on how the lack of security has affected migrant workers in Nigeria and the cross-border movements of Nigerian migrant workers.

6.2 Principal Subjects of Concern and Recommendations

The Committee expressed concerns that the 2015 Immigration Act maintains broad grounds, including mental impairment and being an unaccompanied child, for classifying individuals as "prohibited immigrants" liable to be refused admission or to be deported. Also, the Committee was concerned that pre-trial detention for persons charged with immigration offences has been extended from two months to 90 days.

As a result, the Committee advised Nigeria to revise the 2015 Immigration Act and ensure that its legal framework complies fully with the Convention. The Committee further recommended that migration management measures respect the rights of migrants, including children, provided by international human rights, refugee and humanitarian law, particularly the principle of non-refoulement. The Committee recommended Nigeria should consider making the declarations provided for in articles 76 and 77 of the Convention recognising the competence of the Committee to receive and consider communications from States parties and individuals concerning violations of the rights established under the Convention.

The Committee recommended that Nigeria should consider ratifying or acceding to the first Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights and the following International Labour Organisation (ILO) conventions: the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the Domestic Workers Convention, 2011 (No. 189). The Committee was concerned about the lack of information on the specific measures taken to implement the 2015 National Migration Policy and its implementation plan and the 2014 National Labour Migration Policy and its action plan. According to the Convention, the Committee advised Nigeria to provide enough funding for and closely monitor the aforementioned implementation and action plans. The Committee further urged that the combined initial and second periodic reports provide comprehensive information, supported by data, on the practical steps taken to implement migrant workers' rights, both in the law and in practice.

The Committee expressed concerns over the lack of information on the effectiveness of this coordination and on the allocation of human and financial resources for government agencies handling migration-related issues, especially the Federal Ministry of Labour and Productivity, which it noted as being responsible for coordinating the implementation of the Convention. The Committee urged Nigeria to give the Federal Ministry of Labour and Productivity the manpower, equipment, funding, and authority required to effectively coordinate comprehensive immigration policies at all levels and to evaluate the effects of such policies and programs on the rights of migrant workers and members of their families.

While noting that the National Policy on Labour Migration and its implementation plan included provisions for the collection and dissemination of migration data, the Committee expressed concerns that there is a general lack on the part of Nigeria of disaggregated statistical information on all aspects of the Convention. The Committee advised Nigeria to create a single, extensive database that would cover every area of the Convention and gather information on the situation of migrant workers. To effectively inform pertinent policies and the application of the Convention, in line with Target 17.18 of the Sustainable Development Goals, it is also necessary to gather data and statistics that are broken down by sex, age, nationality, the reason for entry or departure from the country, and the type of work performed. The Committee urges the transmission of data based on studies or

estimates in situations where it is impossible to get accurate information, such as in the case of migratory workers who are in an irregular status.

While welcoming the fact that the National Human Rights Commission is a status “A” institution, the Committee shared the concerns of the Global Alliance of National Human Rights Institutions regarding the selection process for commissioners and budgetary cuts limiting the effectiveness of the Commission. The Committee was also concerned about the lack of information on the Commission’s mandate regarding the rights of migrant workers. The Committee recommended that Nigeria address the concerns raised by the Global Alliance of National Human Rights Institutions and requests that Nigeria include in its combined initial and second periodic report detailed information on the Commission’s mandate about the rights of migrant workers.

The Committee observed that the Federal Ministry of Labour and Productivity is required by the National Policy on Labour Migration to conduct pre-employment seminars and intensified information campaigns, particularly in rural communities, to give potential migrant workers enough information to enable them to make informed decisions. Additionally, the Federal Ministry of Labour and Productivity is mandated to design and, in collaboration with other relevant agencies, implement pre-departure training programs for migrants intending to transit the country. The lack of information on the delivery of such seminars, initiatives, and training, however, worried the Committee.

The Committee also observed that labour officials in all 36 state offices of the Ministry of Labour and Productivity are now more aware of the rights of migrant workers. The lack of information on training programs and materials on the Convention that specifically address migration or on the distribution of information about the Convention to all pertinent stakeholders, including government agencies, domestic courts, and civil society organisations, worried the Committee.

The Committee recommended that Nigeria should: (a) Develop education and training programmes on the rights of migrant workers and members of their families under the Convention, incorporating gender issues, and ensure that such programmes are made available to all officials and persons working in the area of migration, in particular, law enforcement and border authorities, judges, prosecutors and relevant consular officials, as well as national, regional and local officials, social workers and civil society organisations; (b) Ensure access for migrant workers to information and guidance on their rights under the Convention, in particular through pre-employment and pre-departure orientation programmes; (c) Work with civil society organisations and the media to disseminate information about and promote the Convention.

While acknowledging that key stakeholders, including civil society organisations, actively participated in the development of the National Labour Migration Policy and that the policy addresses the role of civil society in migration management, the Committee expressed concerns about the lack of information regarding the role that civil society has played in the implementation of the Convention. The Committee recommended that Nigeria proactively and systematically involve civil society and non-governmental organisations in the implementation of the Convention

While noting that the Constitution guarantees equal pay for equal work without discrimination on any grounds and that the Labour Act of 2004 protects “all persons in employment”, the Committee expressed concerns that: (a) The guarantees relating to privacy, freedom of movement and protection against racial discrimination contained in sections 37, 41 and 42 of the Constitution do not extend to non-citizens; (b) The list of prohibited grounds for discrimination in employment and occupation in the draft Labour Standards Act does not include nationality; (c) The constitutional provision on the acquisition of nationality (section 26 (2) (a)) stipulates that a foreign man is unable to acquire Nigerian nationality in the same manner as a foreign woman; (d) There is a lack of

information on measures taken by Nigeria to ensure non-discrimination for all migrant workers in law and practice.

The Committee recommended that Nigeria should: (a) Take all measures necessary to extend the guarantees relating to privacy, freedom of movement and protection against racial discrimination to migrant workers and to remove all provisions that discriminate against foreign men about the acquisition of nationality; (b) Include a prohibition of direct and indirect discrimination on all the grounds enumerated in the Convention (arts. 1 (1) and 7), applicable to all aspects of employment and occupation and covering all workers, including domestic workers and workers in the informal sector, in the bill on labour standards and speed up its adoption; (c) Take all legislative and policy measures necessary to ensure that all migrant workers and members of their families, both documented and undocumented, within the territory of Nigeria or subject to its jurisdiction enjoy, without discrimination, the rights recognised by the Convention, by article 7 thereof.

The Committee observed that the Federal Ministry of Labour and Productivity's central office and each of its six zonal offices have created complaint mechanisms that will free of charge investigate any accusations of human rights abuses. The Committee is worried that the public may not be aware of this complaint procedure, nevertheless. The Committee was also concerned about the lack of knowledge regarding additional administrative and legal options available to migrant workers and family members in Nigeria, as well as instances of migrant workers being treated unfairly that have been brought to the attention of or discovered by labour inspectors or any other competent authorities.

The Committee recommended that Nigeria should ensure that, in law and practice, migrant workers and members of their families, including those in an irregular situation, have opportunities equal to those of nationals of Nigeria to file complaints and obtain effective redress in the courts, and that they have access to information about other available remedies. The Committee requested that Nigeria include in its combined initial and second periodic report detailed information on administrative and judicial remedies available to migrant workers and members of their families in Nigeria, as well as on cases of unequal treatment of migrant workers brought to the attention of, or detected by, labour inspectors or any other competent authorities.

The Committee expressed concerns at the lack of information regarding due process guarantees for migrant workers and members of their families in criminal and administrative proceedings, including those relating to detention and expulsion. The Committee expressed concerns that migrant children might be placed in detention along with their families. The Committee recommended that Nigeria: (a) Take the steps necessary to ensure that in administrative and judicial proceedings, including those relating to detention and expulsion, migrant workers and members of their families, particularly those in an irregular situation, are guaranteed due process before the courts and tribunals, on an equal basis with nationals of Nigeria; (b) Ensure that administrative detention is used only as a measure of last resort and that non-custodial alternatives are provided, in line with the Committee's general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families; (c) Cease the detention of children based on their or their parent's immigration status and adopt alternatives to detention that allow children to remain with family members and/or guardians in non-custodial, community-based contexts while their immigration status is being reviewed, in line with the principles of the best interests of the child and the child's right to family life.

The Committee welcomed the feasibility study on the possibility of establishing labour migration attachés in Nigerian missions in principal countries of destination prepared by the International Organisation for Migration. However, the Committee expressed concerns about reports that Nigerian migrant workers, particularly those in an irregular situation, frequently face violence, abuse, arrest,

detention or expulsion in transit or destination countries and that there is a lack of statistical data on this issue and a lack of information on the consular, diplomatic and legal assistance provided to these workers. The Committee recommended that Nigeria: (a) Ensure that all migrant workers and members of their families, particularly those in detention, have recourse to consular support to protect the rights set out in the Convention; (b) Ensure that its embassy and consulate personnel abroad have appropriate knowledge of the laws and procedures of the countries of employment of Nigerian migrant workers; (c) Provide in its combined initial and second periodic report detailed, disaggregated information on the number of nationals working abroad who have been arrested, detained and expelled, as well as qualitative and quantitative information on Nigerian migrant workers who have suffered violence and abuse in transit and destination countries and the assistance provided to them.

The Committee expressed concerns about the lack of information on whether in cases of departure, including expulsion, from Nigeria, foreign migrant workers who have participated in, or contributed to, the national pension scheme are entitled to keep their acquired social security rights and whether the Employees Compensation Act of 2010 (Act No. 13) applies to migrant workers on an equal footing with nationals. The Committee is also concerned about the lack of information on bilateral and multilateral agreements concluded in the area of migration guarantees relating to social security for Nigerian migrant workers. The Committee recommended that Nigeria ensure, through national legislation and bilateral and multilateral social security agreements, that all migrant workers and members of their families have adequate social protection.

The Committee expressed concerns about the absence of information about whether Nigeria ensures that all migrant workers have the freedom to participate in labour union activities and to freely join labour unions. The Committee recommended that Nigeria take all measures, including legislative amendments, necessary to guarantee to all migrant workers, including those in an irregular situation, the right to take part in trade union activities and to freely join trade unions, by article 26 of the Convention.

The Committee expressed concerns about the lack of information on specific programmes to guarantee access to medical care and education to migrant workers and members of their families who are in an irregular situation in the territory of Nigeria. The Committee recommended that, by articles 28 and 30 of the Convention, Nigeria adopt concrete and effective measures to ensure access to medical care, especially for the children of migrant workers in an irregular situation, and to make it possible for such children to enter and remain in the education system.

The Committee expressed concerns that, despite the long-standing debate about the need to guarantee Nigerian migrant workers the right to vote and be elected in Nigeria while residing in countries of employment, no concrete measures have been taken to make those rights a reality. The Committee urged Nigeria to take steps, including those of a legislative nature, to ensure that Nigerian migrant workers living abroad can exercise their right to vote, and, in the near future, to step up its efforts to make this possible. The Committee regretted the lack of information on measures taken by Nigeria to facilitate family reunification and to protect the right to family life of Nigerian migrant workers and their families in the context of expulsion procedures in destination countries. The Committee recommended that Nigeria provide specific information in its combined initial and second periodic report on practical measures taken to facilitate family reunification and to protect the right to family life of Nigerian migrant workers and their families in the context of expulsion procedures in destination countries.

The Committee observed that bilateral agreements on the transferability of migrant workers' wages and savings are called for under the National Labour Migration Policy. However, the Committee expressed concerns about the lack of information on any actions taken in this regard, on any

campaigns to encourage Nigerian migrant workers to invest their earnings and savings in worthwhile projects in Nigeria, and on collaborations with financial institutions to make it easier for migrant workers in Nigeria and for Nigerian migrant workers abroad to transfer their earnings and savings. The Committee encouraged Nigeria to facilitate the transfer of remittances by Nigerian migrant workers abroad. It also recommended that Nigeria undertake measures to facilitate the transfer of earnings and savings by migrant workers in Nigeria with preferential transfer and reception fees, in line with target 10.c of the Sustainable Development Goals, and to make savings plans more accessible to migrant workers and members of their families.

The Committee expressed concerns that Nigerian domestic migrant workers face harassment and exploitation in the workplace. In the light of its general comment No. 1 (2011) on domestic migrant workers, and in line with Target 8.8. of the Sustainable Development Goals, the Committee recommended that Nigeria: (a) Include in all bilateral agreements a standard contract for domestic workers that is legally enforceable in Nigeria and the State of employment and includes provisions on, inter alia, wages, working hours, working conditions, overtime pay, annual leave and effective remedies; (b) Establish a reference wage for domestic workers that reflects their skills and experience and applies to all workers in all destination States, and include that reference wage in bilateral agreements; (c) Ensure that abused migrant domestic workers seeking help from Nigerian diplomatic missions abroad are provided with shelter, legal assistance, medical and psychosocial care and interpreters; (d) Ratify the ILO Domestic Workers Convention, 2011 (No. 189).

While noting that the Federal Ministry of Labour and Productivity has commenced licensing private employment agencies and recruiters for overseas and local job placement, the Committee expressed concerns about the insufficient regulation of recruitment agencies. The Committee recommended that Nigeria: (a) Develop robust, transparent and publicly accountable licensing systems for recruitment companies, ensuring that such companies are subject to rigorous human rights and labour law due diligence, as well as ongoing regulation and monitoring; (b) Require recruitment agencies that facilitate the employment of migrant workers abroad to be licensed in both the countries of origin and destination, to ensure more effective bilateral oversight of recruitment practices; (c) Ensure that private recruitment agencies provide complete information to individuals seeking employment abroad and that they guarantee the effective enjoyment of all agreed employment benefits, in particular salaries; (d) Provide training to labour inspectors on human rights norms, labour standards and methods for identifying exploitation, and developing clear and effective accountability mechanisms; (e) Investigate and punish illegal practices by recruiters; (f) Ratify the ILO Private Employment Agencies Convention, 1997 (No. 181).

While noting that steps have been taken to ensure that returning migrant workers can have access to relevant migration information online and to a wide range of services, the Committee expressed concerns about the lack of information on a comprehensive strategy to facilitate the reintegration of returning migrant workers in Nigeria. The Committee recommended that Nigeria take comprehensive measures to ensure the appropriate social, economic or other conditions necessary to facilitate the return and long-term reintegration of Nigerian migrant workers and members of their families in Nigeria, as provided for in article 67 of the Convention, and in line with target 10.7 of the Sustainable Development Goals.

While acknowledging that Nigeria is making significant efforts to protect trafficking victims and to enforce anti-trafficking law by investigating, prosecuting and convicting traffickers, collaborating on international investigations and by providing extensive specialised anti-trafficking training to officials from various government ministries and agencies. However, the Committee expressed concerns that: (a) Nigeria remains a source, transit, and destination country for women and children subjected to forced labour and sex trafficking; (b) The exception in national legislation to the prohibition of child

labour applicable to children employed by family members or who take on light work of an agricultural, horticultural or domestic nature may make children vulnerable to be trafficked into domestic work by family members; (c) According to information received by the Committee, although the 2015 amendment to the Trafficking in Persons (Prohibition), Enforcement and Administration Act removed judges' ability to impose a fine in lieu of a prison sentence for trafficking offences, Nigeria's courts continue, in certain cases, to penalise traffickers with only fines; (d) The National Agency for the Prohibition of Traffic in Persons needs to be strengthened to provide effective support throughout Nigeria; (e) There is lack of information on mechanisms to identify victims, provide support and facilitate their rehabilitation and on the availability of such mechanisms throughout Nigeria; (f) Trafficking-related corruption and complicity at all levels of government remain pervasive.

The Committee recommended that in line with target 5.2 of the Sustainable Development Goals, Nigeria: (a) Continue to vigorously pursue trafficking investigations and prosecutions, ensure adequate sentences for convicted traffickers, provide regular training to police and immigration officials to identify trafficking victims among vulnerable populations and strengthen the capacity of Nigerian embassies to identify and provide assistance to victims abroad, including through regular and specialised training for diplomatic and consular personnel; (b) Implement the United Nations Global Plan of Action to Combat Trafficking in Persons; (c) Take measures to ensure that children are not trafficked into domestic work by family members; (d) Ensure, in conformity with the 2015 amendment to the Trafficking in Persons (Prohibition), Enforcement and Administration Act, that traffickers are in no instance penalised with only fines; (e) Strengthen the National Agency for the Prohibition of Traffic in Persons so that it can provide effective support throughout Nigeria; (f) Provide in its combined initial and second periodic report detailed information on mechanisms to identify victims, provide support and facilitate their rehabilitation and on the availability of such mechanisms throughout Nigeria; (g) Take proactive measures to investigate and prosecute government officials suspected of trafficking-related corruption and complicity in trafficking offences.

On illegal or clandestine movements and employment of migrant workers in an irregular situation, the Committee noted that Nigeria is making significant efforts to protect trafficking victims and to enforce anti-trafficking law by investigating, prosecuting and convicting traffickers, collaborating on international investigations and by providing extensive specialised anti-trafficking training too. The Committee requested that Nigeria ensure the timely dissemination of the present concluding observations, in the official languages of Nigeria, to the relevant State institutions, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as non-governmental organisations and other members of civil society.

The Committee recommended that Nigeria avail herself of international assistance for the implementation of the recommendations contained in the present concluding observations in line with the 2030 Agenda for Sustainable Development. The Committee requested that Nigeria submit its combined initial and second periodic report by 1 May 2018 and include therein information on the implementation of the recommendations contained in the present concluding observations. Nigeria was requested to follow the simplified reporting procedure in this regard. The Committee drew Nigeria's attention to its harmonised treaty-specific guidelines (HRI/GEN.2/Rev.6).

Chapter Seven

THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

7.0 Introduction

The term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions".⁴⁵The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the "Torture Convention") was adopted by the General Assembly of the United Nations on 10 December 1984 (resolution 39/46). The Convention entered into force on 26 June 1987 after it had been ratified by 20 States.⁴⁶ Nigeria appended its signature on the Convention on 28 July 1988, and fully ratified the Convention on 28 June 2001.

An Optional Protocol to the Torture Convention was adopted by the General Assembly of the United Nations on 18 December 2002 (resolution 57/199). The Optional Protocol, which entered into force on 22 June 2006, established a system of regular visits by international and national bodies to places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. A Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has been set up to carry out such visits and to support States parties and national institutions in performing similar functions at the national level.⁴⁷ Nigeria signed the optional protocol of the Convention on 27 July 2009.

The obligations of States Parties to the Convention are clearly spelt in the articles of the Convention. They are summarised below:

- (i) Each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture. The prohibition against torture shall be absolute and shall be upheld also in a state of war and in other exceptional circumstances (article 2);
- (ii) No State party may expel or extradite a person to a State where there are substantial grounds for believing that he would be in danger of being subjected to torture (article 3);
- (iii) Each State party shall ensure that acts of torture are serious criminal offences within its legal system (article 4);
- (iv) Each State party shall, on certain conditions, take a person suspected of the offence of torture into custody and make a preliminary inquiry into the facts (article 6);

⁴⁵<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading> - Accessed 10/8/2022

⁴⁶<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading> - Accessed 10/9/2022

⁴⁷<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading> - Accessed 10/9/2022

- (v) Each State party shall either extradite a person suspected of the offence of torture or submit the case to its own authorities for prosecution (article 7);
- (vi) Each State party shall ensure that its authorities make investigations when there is reasonable ground to believe that an act of torture has been committed (article 12);
- (vii) Each State party shall ensure that an individual who alleges that he has been subjected to torture will have his case examined by the competent authorities (article 13);
- (viii) Each State party shall ensure to victims of torture an enforceable right to fair and adequate compensation (article 14).⁴⁸

7.1 Reporting Status

States Parties to the Convention are required to submit an initial report upon accession and supplementary/periodic reports every four years. In the absence of the initial report of Nigeria, the Committee considered the status of implementation of the Convention in Nigeria at its 1852nd and 1855th meetings held on 16 and 17 November 2021. In accordance with rule 67, paragraph 3, of the Committee's rules of procedure, the Committee notified the Government of Nigeria that it intended to examine the measures taken to protect or give effect to the rights recognised in the Convention, in the absence of a report and to adopt concluding observations. The Committee discussed information obtained from national and international sources, including other United Nations mechanisms, and adopted the following concluding observations at its 1868th meeting, held on 26 November 2021.

By a letter dated 27 June 2012, the Committee reminded the State party about the overdue initial report and the possibility for the Committee to proceed with a review in the absence of a report as a result of the extended delay in its submission. On 10 December 2012, the State party sent a response to the Committee with information on the establishment and mandate of and the activities conducted by the National Committee against Torture, as a follow-up to the letter sent to the Committee by the Chairman of the National Committee against Torture in Nigeria on 26 September 2012. By a letter of 30 September 2019, the Committee once again reminded the State party about the overdue initial report and the possibility for the Committee to proceed with a review in the absence of the report. The Committee also invited the State party to accept the simplified reporting procedure to assist it in preparing its initial report. In the absence of a reply, by its letters of 9 December 2019 and 27 March 2020, the Committee informed the State party about its decision to review the implementation of the Convention in the absence of the State party's report at its seventy-first session.

Due to the corona virus disease (COVID-19) pandemic and its impact on the functioning of treaty bodies and in-person sessions, by a letter of 5 October 2020, the Committee informed the State party about the postponement and rescheduling of the State party review for the seventy-second session. On 10 September 2021, the Committee once again informed the State party of the possibility of reviewing the situation in the State party in the absence of a report at its seventy-second session, in accordance with rule 67 of its rules of procedure. The Committee welcomed the State party's response confirming its participation in the seventy-second session, sent on 22 October 2021, and the State party's subsequent participation in the dialogue. The Committee regretted, however, that the State party had failed to meet its reporting obligations under article 19 of the Convention for more than 19 years, which precluded the Committee from assessing the implementation of the Convention by the State party on the basis of an initial report.

⁴⁸<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading> - Accessed 10/9/2022

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Notwithstanding the commitments made by the State party following the 2018 universal periodic review of the Human Rights Council to strengthen the implementation of its international obligations and cooperation with human rights protection mechanisms, in particular by reporting to all treaty bodies, the Committee regretted that the State party had not yet complied with its reporting obligations under the Convention. The Committee welcomed the accession to or ratification of the following international instruments by the State party since its accession to the Convention: The United Nations Convention against Transnational Organised Crime, on 28 June 2001; The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, on 28 June 2001.

Others are the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime on 27 September 2001; The International Convention for the Suppression of the Financing of Terrorism, on 16 June 2003; The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 22 November 2004; The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, on 27 July 2009; The International Convention for the Protection of All Persons from Enforced Disappearance, on 27 July 2009; The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, on 27 July 2009; The Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, on 25 September 2010 and 27 September 2012, respectively; The Convention on the Rights of Persons with Disabilities and its Optional Protocol, on 24 September 2010; The Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, in 2011; The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, in 2012.

The Committee also welcomed the adoption or establishment of the following legislative and institutional measures taken by the State party in areas of relevance to the Convention: The Child Rights Act, in 2003; The African Charter on Human and Peoples Rights' (Ratification and Enforcement) Act, in 2004; The Evidence Act, in 2011; The National Human Rights Commission Amendment Act, in 2010; The Terrorism (Prevention) Act, in 2011; The Legal Aid Council of Nigeria Act, in 2012; The Administration of Criminal Justice Act, in 2015; The Violence against Persons (Prohibition) Act, in 2015; The Anti-Torture Act, in 2017; The Nigerian Correctional Service Act, in 2019; The Nigerian Police (Establishment) Act, in 2020; The Judicial (Financial Autonomy) Act, in 2020; The Fundamental Human Rights Enforcement Procedure Rules, in 2009; The Action Plan to End and Prevent the Recruitment and Use of Children in Armed Conflict, in 2017; The National Action Plan for the Promotion and Protection of Human Rights and Strategic Work Plan for the period 2019–2022.

The Committee welcomed the enactment of the Anti-Torture Act, which is applicable in the whole territory. However, it was concerned at the lack of information on the actual practice of the direct application of the Convention by the domestic courts and on cases where the Convention has been directly applied by the domestic courts (arts. 2 and 12). The State party was asked to provide judicial officials and lawyers with specific training on applying the Convention directly, and on asserting the rights established in its provisions before the courts and submit information about specific cases in which the Convention has been invoked before the domestic courts in its next periodic report.

The Committee noted that the definition of torture in the Anti-Torture Act includes acts of torture carried out for the purpose of intimidation or coercion of an individual or a third party for any reason based on discrimination of any kind. However, it does not include acts that can constitute torture that

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are carried out for a purpose based on discrimination alone, as envisaged in the Convention. The Committee was further concerned that the Anti-Torture Act did not cover attempt to commit torture in accordance with article 4 of the Convention and lacks specific provisions barring a statute of limitations as well as amnesties and pardons for acts of torture (arts. 1 and 4). The Committee recommended that the State party: Continue to make efforts to bring its definition of torture fully into line with article 1 of the Convention and explicitly add the following separate purpose to the definition of torture: "or for any reason based on discrimination of any kind"; Include criminalisation of attempts to commit torture in the Anti Torture Act; Clarify and ensure that there is no statute of limitations for the offence of torture explicitly provided in law, in line with the Committee's general comment No.2012) on the implementation of article 14, and that torture is explicitly excluded from the scope of amnesty and pardon provisions.

While welcoming the State party's enactment of the Administration of Criminal Justice Act and its commitment to continue strengthening the justice system made during the universal periodic review,³ the Committee is concerned that, despite the existing legal provisions, the implementation of fundamental safeguards is subject to numerous shortcomings, including: Many instances in which persons are held in police custody beyond the legal time limit of 24 or 48 hours (in contravention of section 35 of the Constitution and section 62 of the Police Act); Allegations of arbitrary arrests and incommunicado detentions of persons without being allowed to contact a relative or person of their choice, and the absence of the systematic and consistent use of registers of persons deprived of liberty at all stages of detention, including the details thereof; Reports that arrested persons do not routinely receive information about the reason for their arrest or about their rights, including the right to legal representation; The fact that legal aid is difficult to obtain in practice, despite the establishment of the Legal Aid Council of Nigeria, which has underfunded offices in all 36 states; A lack of routine audio or video recording of the questioning of persons in police custody during investigations, despite a specific legal requirement to do so; The absence of an independent medical examination from the outset of detention (art. 2).

The Committee urged the State party to: Ensure the right of detainees to be brought promptly before a judge or to be freed, and to challenge the legality of their detention at any stage of the proceedings; Ensure that persons have their deprivation of liberty accurately recorded in registers at all stages of the proceedings and ensure their right to inform a relative or another person of their choice of their arrest or detention; Ensure that arrested and detained persons are informed immediately of the accusations and charges against them and that they are able to have prompt access to a lawyer or to free legal aid throughout the proceedings, including during the initial interrogation and inquiry, in line with the Basic Principles on the Role of Lawyers and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems; Provide the human and financial resources needed to ensure the proper functioning of all local branches of the Legal Aid Council; Ensure that the questioning of persons deprived of their liberty is video recorded, that those recordings are stored in a safe place under the control of oversight bodies and that the recordings are made available to investigators, detainees and their lawyers, and provide the necessary technical and financial support to police stations to facilitate the implementation of this recommendation; Ensure that detainees have the right to request and obtain medical examination by an independent physician or a physician of their choice, and that such medical examination is available without conditions and in full confidentiality promptly upon their arrival at a police station, detention centre or prison; Provide adequate and regular training on relevant legal provisions, monitor compliance and penalise any failure on the part of officials to comply.

The Committee appreciated the ongoing efforts to reform the police, including the enactment of the Police Act and the revision of Police Order 237 incorporating international standards, but it remains concerned at reports of the excessive use of force, including lethal force by shooting, leading to

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extrajudicial killings during arrests or in policing demonstrations. It is also concerned at the growing militarisation of policing activities through joint operations, including during the #EndSARS protests held in Lagos on 20 October 2020, in the context of the lockdown imposed to contain the spread of the COVID-19 pandemic, which led to 38 complaints of extrajudicial killings to the National Human Rights Commission, and in response to other demonstrations that have been held in south-eastern states. The Committee was deeply concerned at allegations of gross misconduct by the Special Anti-Robbery Squad of the Nigeria Police Force. It noted the State party's response to these allegations, such as commissioning the National Human Rights Commission to conduct investigations, establishing judicial panels of inquiry at the federal and state level, and the disbandment of the Special Anti-Robbery Squad.

The Committee observed that the judicial panels reportedly received 2,500 complaints of torture and ill-treatment, arbitrary arrest and detention, and extrajudicial killings, but remained concerned that no reports on investigations into these complaints have been made public, and at the lack of accountability for these acts. Reportedly, some of the panels stopped sitting due to a lack of funding. The Committee was also concerned at the use of a law of 2014 by the police against lesbian, gay, bisexual, transgender and intersex persons to legitimise arbitrary arrest and detention, among other things; at reports of arbitrary detention of persons who are neither charged nor convicted of crimes; at reports of the ill-treatment of persons with intellectual and psychosocial disabilities in public institutions and private settings, including religious and traditional healing centres; and at the ill-treatment inflicted on drug users, particularly by members of the National Drug Law Enforcement Agency and in drug rehabilitation facilities (arts. 1–2, 11–14 and 16).

The State party was urged to: ensure that law enforcement and security forces personnel continue to receive training on the absolute prohibition of torture and on the use of force, including Police Order 237, taking into account the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; Make the findings of the judicial panels of inquiry public, ensure that allegations of abuses committed by police, Special Anti-Robbery Squad officers and security forces employed in the policing activities are immediately investigated by an independent body and provide disaggregated information on prosecutions, full redress provided to victims, and the resources allocated for that purpose; Stop and investigate arbitrary detentions and assaults against persons with disabilities, drug users or lesbian, gay, bisexual, transgender and intersex persons and investigate those incidents, prosecute alleged perpetrators and provide effective remedies to the victims.

The Committee welcomed the legal framework in place prohibiting the admission of confessions obtained under torture, incorporated in the Anti-Torture Act, the Evidence Act and the Administration of Criminal Justice Act, but is concerned at reports of the continuous use of torture in interrogations by police, military and Civilian Joint Task Force officers. Despite the existing legal safeguards, including the recording of confessions (see para. 11 above) or to complain about duress before a judge, numerous reports highlight those coerced confessions are accepted in practice, contrary to the law. The Committee regretted that no solid information has been provided by the State party about the application of these legal safeguards by judges in practice (arts. 2, 10 and 15).

The State party was requested to: Adopt effective measures to ensure that confessions, statements and other evidence obtained through torture or ill-treatment are not admitted in evidence in practice, except against persons accused of committing torture, as evidence that the statement was made under duress; that prosecutors and judges ask all defendants in criminal cases whether they were tortured or ill-treated; and that all allegations of torture and ill-treatment raised in judicial proceedings in the State party are promptly and effectively investigated, and that alleged perpetrators are prosecuted and punished, and provide information on such cases; Ensure that all police, national

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security and military officers, judges and public prosecutors receive mandatory training emphasising the link between non-coercive interrogation techniques, the prohibition of torture and ill-treatment and the obligation of the judiciary to invalidate confessions made under torture.

The Committee welcomed the State party's efforts to address the overuse of prolonged pre-trial detention, which is causing chronic overcrowding in detention facilities, through the enactment of the Administration of Criminal Justice Act. Section 34 of that Act mandates chief judges or magistrates at the state level to conduct monthly inspections of police stations and other places of detention within their jurisdiction, other than prisons, inspect records of arrests, direct the arraignment of suspects and grant bail. The Committee also took note of information on the implementation of the prison decongestion programme, including the release of around 2,000 detainees and 160 juveniles, as well as reports of the release of 7,813 prisoners from the correctional centres to reduce overcrowding and control the spread of the COVID-19 pandemic in 2020. The Committee remained concerned, however, that around 72 percent of the prison population is still awaiting trial, despite these measures. The Committee also understands that detainees can contest the legality of their detention before a judge and can submit a complaint to the National Human Rights Commission but notes with regret the inefficiency of that system owing to significant delays in access to justice, among other things (arts.2, 11–13and16).

The State party was urged to: Ensure that the Administration of Criminal Justice Act is properly implemented, in particular that pre-trial detention is effectively reviewed; that its duration does not exceed the legally established maximum and is as short as possible; and that its use is exceptional, necessary and proportionate; Ensure that pre-trial detention is closely monitored by the courts; Take into account the lessons learned from the federal decongestion programme and the COVID-19 pandemic and intensify efforts to significantly reduce overcrowding in detention facilities by making greater use of non-custodial measures such as parole and early release, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules); Ensure that effective, independent and accessible complaints mechanisms are available to all persons deprived of their liberty and that complaints are promptly, impartially and thoroughly investigated.

The Committee took note of the State party's statement on the ongoing reform of correctional facilities but remains concerned at numerous reports of poor material and sanitary conditions of detention that persist in all places of deprivation of liberty, the lack of access to proper medical care, including for persons with transmissible diseases, and inadequate food and water. It is also concerned at reports of a lack of separation of juvenile inmates from adults and of convicted persons from remanded detainees, in addition to the detention of pregnant and breastfeeding women and persons with disabilities in general custodial facilities and without access to appropriate health services. The Committee regrets the lack of reliable information on the total number of prison deaths, their causes and follow-up investigations, for example with regard to the reported incident in Ikoyi prison in December 2019 (arts. 2,11 and 16).

The State party was asked to: Improve material conditions in police cells and correctional facilities, including with regard to ventilation and access to adequate food and running water, and take measures to bring conditions in detention and operational procedures into compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules); Put in place systems to separate juveniles from adult prisoners and convicted prisoners from remand detainees; ensure that women are detained in gender-sensitive conditions and that their children are immediately released from custodial facilities; ensure that inmates with disabilities are held in humane conditions and that prisons are adapted to their needs; and also ensure that

remanded and convicted persons with intellectual or psychosocial disabilities are transferred from custodial facilities to psychiatric hospitals or appropriate therapeutic settings; Provide adequate health services to all prisoners, and particularly those with disabilities, and conduct a thorough and independent medical examination of all detainees, both at the outset of detention and on a regular basis throughout the duration of detention; Ensure that all instances of death in custody are promptly, thoroughly and impartially investigated, including by means of independent forensic examination; take measures to ensure the allocation of the necessary human and material resources for the proper health care of prisoners; review the effectiveness of programmes for the prevention of suicide and self-harm, as well as for the prevention, detection and treatment of chronic degenerative diseases and infectious or contagious diseases in prisons; and compile and provide detailed information on the cases of death in custody and their causes.

The Committee noted that the State party ratified the Optional Protocol on 27 July 2009 and established the National Committee against Torture on 29 September 2009 with a mandate to visit places of detention in Nigeria and investigate any complaints of torture therein. It also noted that in 2014 the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment conducted an advisory visit to the State party. The Committee regretted, however, that no designation of a national preventive mechanism was notified by the State Party to the Subcommittee, and that no official visit has been conducted by the Subcommittee to the State party to date. The Committee further notes that the National Committee against Torture was established by terms of reference rather than a legislative act regulating its functions, mandate and resources, and is seriously concerned by the National Committee's lack of legal, operational and financial independence, as it is situated in the Federal Ministry of Justice, and proper funding (arts.2,11,13 and 16).

The State party was urged to: Take measures to align the functioning of the National Committee against Torture with the Optional Protocol to the Convention and ensure its independence, and that it has sufficient staff, adequate resources and the necessary budget for it to fulfil its preventive mandate effectively, in accordance with the guidelines on national preventive mechanisms; Consider seeking technical assistance from the United Nations, including advice from the Subcommittee, on the establishment of the national preventive mechanism, in conformity with article 11 of the Optional Protocol; Ensure that all places of deprivation of liberty are subject to effective and regular monitoring visits by an independent body that involves medical personnel, that visits can be conducted without prior notice and that such monitors can hold confidential, private meetings with persons deprived of their liberty, without any reprisals, and report publicly on their findings; Authorise non-governmental human rights organisations, as well as civil society actors providing health care and education, to undertake monitoring activities at detention centres.

The Committee appreciated the State party's commitment, made during the universal periodic review in 2018, to adopt measures to fight against impunity with an increased focus on the crimes carried out by Boko Haram. However, it is concerned at the continually deteriorating security environment owing to the systematic attacks by non-State armed groups, as well as farmer-herder clashes, resulting in the displacement of around 2.9 million persons in the north-east, and reports of the use of children as fighters or otherwise exploited in forced marriage, sexual slavery or forced labour by Boko Haram. The Committee is equally concerned at the numerous allegations of extrajudicial killings, torture, enforced disappearances and sexual violence committed by military and Civilian Joint Task Force personnel in the course of the security operations, as highlighted by the Special Rapporteur on extrajudicial, summary or arbitrary executions in 2021.

Despite the State party's establishment of the Special Board of Inquiry and the Presidential Investigation Panel to Review Compliance of the Armed Forces with Human Rights Obligations and

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Rules of Engagement in 2017, the Committee regretted the lack of information on investigations and prosecutions conducted and their outcome, including redress for victims. The Committee was further troubled by reports of arbitrary and incommunicado detentions, including of women and children removed from the control of or allegedly affiliated with non-State actors; deaths in military-run camps for displaced people across Borno State in 2015 and 2016; the bombing of the Rann Camp for displaced persons in 2017, resulting in at least 160 casualties; deaths and poor conditions in military detention facilities, particularly in Giwa Barracks and at the military base in Kainji; and the lack of investigations into these claims. The Committee welcomed the action plan to end and prevent the recruitment and use of children in armed conflict signed by the Civilian Joint Task Force in 2017, but remains concerned at reports indicating the use of boys aged between 13 and 17 years by the military in support roles in Borno State, in 2019 (arts. 2,11–12 and 16).

The Committee urged the State party to: Step up efforts to ensure the safety and security of the population affected by the conflict, prevent violations of their human rights by any party to the conflict and ensure that military and Civilian Joint Task Force personnel respect instruments on human rights and international humanitarian law and cease detaining women and children on arbitrary grounds; Take measures to increase the transparency of investigations, including by publishing findings of the bodies charged with such investigations (see para. 23 above), and continue conducting prompt, impartial and effective investigations into allegations of abuses committed in the context of counter-terrorism operations, by both State and non-State actors, and particularly members of the military and the Civilian Joint Task Force, prosecute and punish those responsible, and ensure that victims have access to effective remedies and full reparation; Ensure that registers of arrests and deaths in military custody are reviewed by a judicial body, immediately release children held in all military detention facilities and use detention of juvenile offenders only as a last resort and in appropriate facilities; Continue strengthening efforts to prevent the use of child soldiers, ensure that children are not used in support roles by the military and investigate such incidents promptly.

The Committee noted that the National Human Rights Commission has a mandate to visit places of deprivation of liberty, receive complaints, conduct investigations, award compensation and request enforcement of its decisions. It also noted the institution's active involvement in advisory, training and advocacy activities and its participation in several investigative bodies. However, the Committee regretted the lack of information provided on the follow-up to 27,858 complaints of torture and ill-treatment received by the Commission between 2019 and 2020, the compensation awarded and enforced, and cases communicated to the attorney general at the federal and state level for further prosecution. The Committee was also concerned at the inadequacy of resources allocated to the institution (art. 2).

With regard to the National Human Rights Commission, the State party should: Strengthen its office so that it can effectively carry out its mandate in all parts of the country, and provide it with adequate human, financial and institutional resources, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles); Ensure that it handles complaints of torture and ill-treatment promptly and effectively and reports publicly and regularly on the outcome of the cases and any compensation awarded; Clarify coordination with the National Committee against Torture concerning visits to places of detention, avoid overlap, if any, and strengthen the referral mechanism for complaints.

While noting the recommendation made in 2003 by a national study group to place a moratorium on the death penalty and the alleged absence of executions since 2016, the Committee regretted that death sentences continued to be pronounced in 2019 and 2020. The Committee noted the enactment of the Nigerian Correctional Service Act, in particular section 12 (2) (c), which provides for

commutation of death sentences to life imprisonment for prisoners who have spent more than 10 years on death row, as well as periodic reviews of death sentences carried out by the Presidential Advisory Committee on the Prerogative of Mercy and similar committees at the state level.

However, it regretted the lack of official statistics with regard to the number of persons on death row – with some reports estimating there are as many as 2,700 such persons – as well as the lack of details on the application of the commutation provision and pardons granted in the whole territory. The Committee was distressed by reports that capital punishment can be imposed in 12 states that operate under sharia for offences such as adultery, apostasy, witchcraft or sexual relations between same sex persons. It is also distressed that such punishments may be inflicted on juveniles, owing to the vague definition of the child in sharia, which is linked to the onset of puberty, despite the State party's statement that death sentences cannot be imposed on persons younger than 18 years of age (art. 16).

The Committee urged the State party to: Immediately prohibit the death penalty for all persons under the age of 18, in compliance with federal law, including in the states that operate under sharia; Commute all death sentences already handed down to prison sentences, in accordance with the provisions set out in the Nigerian Correctional Service Act; consider declaring an official moratorium on the death penalty for all crimes in law, covering the whole territory; consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; and provide details on sentences commuted and pardons granted.

The Committee is deeply concerned about the prevalent use of corporal punishment on children in private settings, such as home and other alternative care, which is permitted in law (section 295 of the Criminal Code applicable in the southern states and section 55 of the Penal Code in northern states). It also regrets that the Child Rights Act of 2003 has not been transposed in the legislation of all states. The Committee particularly takes note of section 11 of the Act, prohibiting torture and ill-treatment, and section 221 (1) (b), prohibiting corporal punishment for criminal offences. It is distressed by reports that section 11 is not interpreted as prohibiting corporal punishment of children in private settings, and that corporal punishment can be still imposed on persons under the age of 18 as a sentence for a crime in states operating under sharia (arts. 1, 2, 4, 11 and 16).

The State party should: Take further steps to ensure that the Child Rights Act of 2003 is also incorporated into law by all states throughout the whole territory, align the interpretation of its section 11 with international standards, and explicitly prohibit in law and in practice the corporal punishment of children in all settings, through acts or omissions by State agents and others who engage the State's responsibility under the Convention, as a sentence for a crime or for disciplinary purposes; Promote positive non-violent forms of discipline as an alternative to corporal punishment and conduct public awareness-raising campaigns about the harmful effects of corporal punishment, including of children.

While welcoming the adoption of the Violence against Persons (Prohibition) Act, the Committee regretted that it is not applicable in all states yet. It took note of other administrative interventions of the State party, including the declaration of a state of emergency with regard to gender-based violence by State governors, the establishment of gender units by the Ministry of Justice, and the creation of sexual violence and assault referral centres. However, the Committee remained alarmed by the ongoing widespread sexual and gender-based violence inflicted by Boko Haram and the lack of protection for girls and boys from kidnapping by armed groups between 2014 and 2021, according to reports. The Committee was seriously concerned at the allegations of sexual violence against women and girls committed by Civilian Joint Task Force officers, in particular in Bama Hospital and Secondary School camps, and of sexual exploitation and abuse in the state-run camps for internally displaced persons and informal camps, and in local communities in Maiduguri, Borno State, and

across the north-east. Furthermore, the Committee was alarmed that female genital mutilation continues to be practised without any effective steps taken by the State party to eliminate it. It is also concerned at the high rate of maternal mortality often resulting from rape, obstacles to accessing contraception and the criminalisation of abortion, except for the purpose of saving the life of the mother, as it pushes women into illegal and unsafe abortions endangering their health and lives (arts.2, 12–14 and 16).

The Committee urged the State party to continue its ongoing efforts to combat all forms of sexual and gender-based violence, especially those cases involving actions or omissions by State authorities or other entities which engage the international responsibility of the State party under the Convention. In particular, the State party should: Strengthen efforts to ensure that the Violence against Persons (Prohibition) Act is also incorporated into law by all states throughout its whole territory; Take effective steps to protect internally displaced persons, especially women and girls, prevent and eradicate female genital mutilation and provide protection measures for girls at risk, and ensure effective investigations into all cases of gender-based violence by State and non-State actors, the prosecution of alleged perpetrators and the provision of redress to victims, including adequate compensation and access to medical services and counselling, and provide details on such cases; Ensure access to comprehensive sexual and reproductive health services and decriminalise the voluntary termination of pregnancy in cases where carrying a pregnancy to term would cause the woman considerable suffering, where the pregnancy is the result of rape and where the pregnancy is not viable.

In view of the vast scale of allegations and complaints of torture, ill-treatment and gender-based violence by non-State actors and State officials, including by members of the police, the Special Anti-Robbery Squad, the military and the Civilian Joint Task Force, the reports that the police oversight mechanisms, including the Police Service Commission and the National Human Rights Commission, remain ineffective, and the fact that numerous commissions of inquiry and panels at the federal, state and military level were established to no avail, the Committee is deeply concerned at the lack of accountability, due to the limited number of disciplinary measures and criminal prosecutions reportedly carried out, which contributes to an environment of impunity (arts.1–2,4,11–13 and 16).

In addition to the above recommendations urging the State party to carry out prompt and effective investigations into the allegations of abuses committed by State and non-State actors, the State party should: Provide comprehensive information on precise disciplinary and criminal punishments handed down against members of the police, the Special Anti-Robbery Squad, the Civilian Joint Task Force and the military suspected or convicted of engaging in torture, ill-treatment, extrajudicial killings and arbitrary detentions, among other things, as well as against non-State actors; Take immediate measures to ensure the operationalisation of an effective and independent police oversight mechanism; Ensure that the judicial commissions or boards of inquiry are not merely established and used to replace proper criminal justice processes and ensure that there is no institutional or hierarchical relationship between investigators for these bodies and the suspected perpetrators of such acts; Ensure that, in cases of alleged torture or ill-treatment, suspected officials are suspended from duty immediately and for the duration of the investigation, to avoid the risk that they might otherwise be in a position to repeat the acts alleged, commit reprisals against the alleged victim or obstruct the investigation; Ensure that training on the provisions of the Convention and the absolute prohibition of torture is mandatory for law enforcement and security forces personnel, prison staff, medical personnel, judges, prosecutors and lawyers and that the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) is included as an essential part of the training.

While welcoming sections 6 and 9 of the Anti-Torture Act, which stipulate the right of persons to access legal assistance and to claim compensation for torture and ill-treatment, and part 32 of the Administration of Criminal Justice Act of 2015, which provides for costs, compensation, damages and restitution for victims of crime, the Committee regrets the lack of information on the actual application of those provisions, including data on victims of torture and ill-treatment who have obtained redress thus far. The Committee also regretted the lack of information on whether victims of torture have received medical or psychosocial rehabilitation, in addition to compensation, and whether specific rehabilitation programmes have been established for them (arts.2 and 14).

The State party should: Ensure that an explicit provision in the Anti-Torture Act allows victims of torture and ill-treatment to obtain redress, including the means for as full a rehabilitation as possible, as set out in the Committee's general comment No.3 (2012); Establish rehabilitation programmes for victims of torture and ill-treatment, in cooperation with specialized civil society organisations, for example by mandating judicial panels of inquiry operating across the country to do so, and allocate resources to implement such programmes.

The Committee requests the State party to provide, by 3 December 2022, information on follow-up to the Committee's recommendations on allegations of torture, ill-treatment, arbitrary detention and excessive use of force, in particular by members of the Special Anti-Robbery Squad, pre-trial detention and overcrowding, the national preventive mechanism and gender-based violence (see paras.14(b),18,22 and 32 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

The Committee encouraged the State party to consider making the declarations under articles 21 and 22 of the Convention. The Committee invited the State party to ratify the core United Nations human rights treaties to which it is not yet party. The State party was requested to widely disseminate the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organisations and to inform the Committee about its dissemination activities. The Committee called upon the State party to comply with its reporting obligations under article 19 of the Convention and to submit its report, which will be considered its second periodic report, by 3 December 2025. To that end, the Committee invites the State party to accept, by 3 December 2022, to prepare its report under the simplified reporting procedure, whereby the Committee will transmit to the State party a list of issues prior to reporting. The State party's response to that list of issues will constitute its second periodic report under article 19 of the Convention.

Chapter Eight

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

8.0 Introduction

As defined in Article 1 of the Convention on the Rights of Persons with Disabilities (CRPD), Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.⁴⁹ The CRPD was adopted on 13 December 2006 by the Sixty-first session of the General Assembly by resolution A/RES/61/106. It was opened for signature (together with its (Optional Protocol) on 30 March 2007 and Australia became one of the original signatories.⁵⁰ Nigeria signed the CRPD on 30 March 2007 and ratified the Convention together with its Optional Protocol on 24 September 2010.

The adoption of the CRPD by the UN followed the conviction that “a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries”.⁵¹ The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Equality and non-discrimination	-	Art. 5
Women with disabilities	-	Art. 6
Children with disabilities	-	Art. 7
Right to life	-	Art. 10
Equal recognition before the law	-	Art. 12
Access to justice	-	Art. 13
Liberty and security of persons	-	Art. 14
Freedom from torture or cruel, inhuman and degrading treatment	-	Art. 15
Freedom from exploitation, violence and abuse	-	Art. 16
Protecting the integrity of the person	-	Art. 17
Liberty of movement and nationality	-	Art. 18
Freedom of expression and opinion and access to information	-	Art. 20
Respect for privacy	-	Art. 22
Respect for home and the family	-	Art. 23
Education	-	Art. 24
Health	-	Art. 25
Habitation and rehabilitation	-	Art. 26
Work and Employment	-	Art. 27

⁴⁹<https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf> - Accessed 10/11/2022

⁵⁰<https://humanrights.gov.au/our-work/disability-rights/united-nations-convention-rights-persons-disabilities-uncrpd> - Accessed 10/11/2022

⁵¹<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities> - Accessed 10/11/2022

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Adequate standard of living	
And social protection	- Art. 28
Participation in public and private life	- Art. 29
Participation in cultural life, recreation	
Leisure and sports	- Art. 30

The obligations of States Parties under the Convention are spelt out in Article 3 as follows: 1. States Parties undertake to ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake: To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention; To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities; To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes.

Others are to refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention; To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organisation or private enterprise; To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines; To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost; To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities; To promote the training of professionals and staff working with persons with disabilities in the rights recognised in this Convention so as to better provide the assistance and services guaranteed by those rights.

With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realisation of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations.

Nothing in the present Convention shall affect any provisions which are more conducive to the realisation of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognised or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognise such rights or freedoms or that it recognises them to a lesser extent. The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions.

8.1 Reporting Status

Nigeria has submitted one report so far to the UN Treaty Bodies, on 26 March 2021, although it was due on 24 October 2012. According to the report, Nigeria ratified both the Convention on the Rights of Persons with Disabilities (CPRD) and its Optional Protocol on 24 September 2010. Nigeria is also a party to key regional and U.N human rights treaties that promote and protect human rights including the rights of persons with disabilities. While some states in the Federation have enacted laws on disabilities between 2010 and 2018, the federal government domesticated the Convention through the Discrimination Against Persons with Disabilities (Prohibition) Act in January 2019.

The report noted that the Constitution of Nigeria as well as other laws, policies and programmes of government address the rights of persons with disabilities and that huge human and financial resources have always been devoted to address non-discrimination and to enhance the quality of life of people with disabilities. The report provided an overview of the major progress Nigeria has made in respect of improving the situation of persons with disabilities (PWDs) and the constitutional, legislative, administrative and other measures the country has taken to fulfil its obligations under the Convention and the implementation of the rights recognised therein. The report also highlighted the challenges and constraints Nigeria faces in giving effect to the provisions of the Convention and the strategies in place to address these challenges.

To ensure equal opportunities for persons with disabilities and effective inclusion in the society, the issues relating to persons with disabilities are accorded prime of place in policies and programmes formulation and implementation in the country. The main approach in this regard is the transition from the social protection model into the model of social inclusion and a rights-based development method. The report admitted that there was no accurate statistical information on the number of persons living with disabilities in Nigeria. The 2011 National Baseline Survey on PWDs put the national prevalence rate at 3.2%. The current approximate number of persons with disabilities in Nigeria is put at 28 million. According to the national baseline study on PWDs, the most common disabilities suffered in Nigeria were found to be physical handicap, including that caused by leprosy (27.09%), deafness/hearing disability (23.76%), mental illness (13.44%), visual impairment/blindness (12.22%), autism (3.02%), intellectual disability (7.2%), defect speech (6.41%), cerebral palsy (3.68%), and unspecified categories referred to as others (3.11%).

The report put Nigeria's population in 2018 at an estimate of 197,885,462 million people. In combination with the nearly 200-million-person population, the population density of Nigeria is around 212.04 individuals per sq. km. Nigeria is the largest populated country in Africa and the 7th largest populated country in the world. Approximately 50% of Nigerians are urban dwellers with the rate of urbanisation estimated at 4.3%. It is home to over 250 languages and the variety of customs and traditions give the country great and rich cultural diversity.

According to the United Nations, the population of Nigeria will reach 411 million by 2050. Nigeria might then be the third most populous country in the world after China and India. While the overall population is expected to increase, the growth rate is estimated to decrease from 1.2% per year in 2010 to 0.4% per year in 2050. Most of the population is young with 42.54% between the ages of 0-14. The proportion of children under age 15 in 2010 was 44.0%, 53.2% was between 15 and 65 years while 2.7% was above 65 years. There is a large population momentum with 3.2% growth rate. The Federal and state governments conscious of the challenge that the growth rate may pose to sustainable economic growth and development due to dwindling revenue base and global economic challenges, embarked on series of initiatives to curb the exponential population growth rate in the country.

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Table 1 Crude birth and fertility rate 2008 – 2017

Year	CBR	TFR	CBR Urban	TFR Urban	CBR Rural	TFR Rural
2008	41.8	5.9	4.7	42.5	42.5	6.3
2013	40.2	5.5	4.7	4.2	42.	6.2
2014-2015	39.5	5.57				
2016	38.8	5.53				
2017	36.9	5.07				

Source: National Population Commission (Nigeria)

Table 2 – Life expectancy in Nigeria

PERIOD	LIFE EXPECTANCY
1995 – 2000	46.00
2000 – 2005	46.94
2005 – 2010	49.75
2010 – 2015	51.88

Source: National Population Commission (Nigeria), world population review.com

Life expectancy in Nigeria was reported as unfortunately the lowest in West Africa. The average life expectancy is around 54.5 years of age according to World Health Organisation (WHO)'s data with men living an average of 53.7 years and women living an average of 55.4 years. However, the report stated that life expectancy is expected to increase from 67.0 years in 2010 to 75.2 years in 2050. By 2050, the percentage of the population living in the urban areas is estimated to rise to 69% compared to the 50% in 2010.

Table 3 – Nigeria population projections by year 1990 – 2018

Year	Population		%M	%F	Density Km ²	Growth Rate
2018	195,875,237		50.68%	49.32%	212.04	2.61%
2017	190,888,311		50.67	49.33	206.64	2.63
2016	185,989,640		50.66	49.34	201.34	2.65
2015	181,181,744		50.65	49.35	196.13	2.70
2010	158,578,261		50.58	49.42	171.66	2.68
2005	138,939,478		50.50	49.50	150.41	2.58
2000	122,352,009		50.42	49.58	132.45	2.52
1995	95,269,988		50.35	49.65	116.92	2.54
1990	95,269,988		50.31	49.69	103.13	2.64

Source: National Bureau of Statistics, World Population Prospects (2017)

According to the report, Nigeria is the largest economy in Africa. Its economic growth has continued to be driven by consumption and high oil prices. Oil accounts for more than 95% of exports and foreign exchange earnings. The challenges in the oil sector negatively impacted government revenue, spending and the capacity to grow the economy between 2014 and 2017. New government economic and sustainable development interventions have, however, removed the economic recession. As from 2017, the economy continued to show signs of recovery from the 2016 recession. GDP growth was estimated at 1.8% in 2017, up from 1.5% in 2016. The outlook beyond is positive, with growth projected at 2.1% in 2018 and 2.5% in 2019. This outlook is anchored on higher oil prices and production, as well as stronger agricultural performance.

It was pointed out that Nigeria is a functioning democracy, operating the presidential system of government comprising three tiers: federal, state and local government. In addition, there are also three legal systems recognised by the Nigerian Constitution of 1999, as amended. These are

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Common Law, Islamic Law and Customary Law. The Supreme Court is the apex Court with jurisdiction to hear cases from lower courts including Federal Court of Appeal, Federal and State High Courts as well as Sharia Courts of Appeal and Customary Courts of Appeal. The Supreme Court also has original jurisdiction in certain matters as outlined in the Constitution.

The Constitution of Nigeria is the *grundnorm* in matters of law and public governance. The report noted that the Constitution contains several provisions that guarantee the rights of individuals and groups of persons and also regulates relationship between the tiers and organs of government among others. It highlighted Chapter IV of the Constitution which guarantees fundamental human rights; including right to life; right to dignity of human person, right to personal liberty right to freedom of movement; right to fair hearing; right to private and family life; right to freedom of thought, conscience and religion; right to freedom of expression and the press; right to peaceful assembly and association; right to freedom from discrimination; right of access to justice including legal and financial aid to indigent citizens.

However, Section 45 of the Constitution provides for specific restrictions on, and derogation from certain fundamental rights to the extent that those measures are reasonably justifiable in a democratic society and on the following conditions (a) in the interest of defence, public safety, public health, public order or public morality; (b) for the purpose of protecting the rights and freedoms of others; (c) in periods of emergency; and (d) in the execution of the sentence of a competent court. Such restrictions must be enacted into law by the National Assembly comprising of two chambers – the Senate and Federal House of Representatives.

Chapter Two of the Constitution provides for fundamental objectives and directive principles of state policy in a manner that ensures that government policies, programmes and social and economic initiatives are geared towards enhancing the quality of lives and standards of living of the people. In addition to Constitutional guarantees, the report noted that there are many legislation and policy initiatives both at the national and sub national levels that promote and protect human rights in Nigeria including the rights of persons living with disabilities. Some of these laws and policies are: Discrimination Against Persons with Disabilities (Prohibition) Act, 2018; Administration of Criminal Justice Act, 2015; Violence Against Persons (Prohibition) Act, 2015; HIV/AIDS (Anti-Discrimination) Act, 2014; Anti-Torture Act, 2017; Compulsory Treatment and Care for Victims of Gunshot Act, 2017; National Institute for Cancer Research & Treatment (Establishment) Act, 2017; Evidence Act, 2011; Criminal Procedure Act; Penal Code; Fundamental Human Rights (Enforcement Procedure) Rules, 2009; High Court Civil Procedure Rules; Criminal Code; Criminal Procedure Code ;National Human Rights Commission Act of 1995, as amended; Legal Aid Amendment Act of 2012; Child Rights Act 2003/State Child Rights Laws; State Laws on Anti-Kidnapping; Electoral Act 2010; Trafficking in Persons (Prohibition); Law Enforcement and Administration Act 2015; Labour Act, CAP L1 LFN, 2004; Freedom of Information Act 2011; National Health Act, 2014.

Others are compulsory, Free Universal Basic Education Act 2014; Anambra State Gender and Equal Opportunities Law, 2007; Ekiti State Gender-based Violence (Prohibition) Law, 2011; Imo State Gender & Equal Opportunities Law, 2007; Lagos State Protection Against Domestic Violence Law 2007; Rivers State Dehumanising and Harmful Traditional Practices Law, 2007; Edo State Law on Female Gender Mutilation 2000; State with laws protecting the rights of persons with disability; 1.Lagos State Special People's Law 2011; The Rights of Persons with Disability Law Ekiti State, 2013;Plateau State Disability Rights Law 2005; Bauchi State Agency for Disability Law 2010;Nasarawa State Disability Rights Commission Law, 2018; Kwara State People with Disabilities (Amendment) Law, 2017.

Policy initiatives include National Policy on Food and Nutrition, 2001; National Policy on Education 2016; National Policy on Special Needs Education in Nigeria and Implementation Guidelines, 2015;

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National Policy on Child and Maternal Health, 2004; Revised National Gender Policy; National Policy on HIV/AIDS, 2003; Strategy for the Acceleration of Girl Education in Nigeria; National Gender Data Bank; National Policy on Orphans and Vulnerable Children; National Health Policy, 2016; National Policy on Gender in Basic Education; National Child Policy, 2007; National Framework on Girls & Women Education, 2012; National Strategic Health Development Plan (NSHDP II) 2018 – 2022; National Policy & Implementation Guidelines on Albinism in Nigeria, 2013; National Action Plan for the Promotion and Protection of Human rights in Nigeria 2017 – 2021; Lagos State Inclusive Education Policy, 2018; National Policy on Disabilities (Revised), 2018; National Policy on Rehabilitation of Persons with Disabilities; National Policy on Immunisation; National Health Policy on Primary Health Care; National Policy on Reproductive Health; National Policy on Elimination of Female Genital Mutilation; National Policy on Child Labour; National Priority Agenda for Vulnerable Children in Nigeria (2013 – 2020); National Policy on Sexuality and Family Life Foundation; National Social Protection Policy.

Institutions established include National Commission for Persons with Disabilities; State Agencies/Commissions for Persons with Disabilities; National Human Rights Commission; National Agency for the Control of HIV/AIDS; National Agency for the Prohibition of Trafficking in Persons; Universal Basic Education Commission; Federal/State Ministries of Education; Federal/State Ministries of Health; Federal/State Ministries of Trade and Industry; Federal/State Ministries of Justice; Federal/State Ministries of Information; Federal/State Ministries of Youths and Sports; Federal/State Ministries of Agriculture & Rural Development; Central Bank of Nigeria; Nigerian Bank of Industry; Nigerian Bank of Agriculture; Small and Medium Scale Development Agency; The Nigerian Police; The Nigerian Courts; National and State Houses of Assembly.

The report noted that Nigeria is a key player in the international human rights protection mechanism. In this regard, the country is a party to most if not all regional and international human rights treaties. Nigeria has ratified the following international human rights instruments majority of which have been enacted into national laws. These instruments play significant role in the realisation and enjoyment of human rights by persons with disabilities in the country. They include International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; International Convention on the Rights of Persons with Disabilities; Optional Protocol to the Convention on the Rights of Persons with Disabilities; International Convention on the Elimination of all Forms of Racial Discrimination; Convention on the Elimination of all Forms of Discrimination against Women; Optional Protocol on the Convention on the Elimination of all Forms of Discrimination against Women.

Others are the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Optional Protocol on Convention Against Torture; Convention on the Rights of the Child; Optional Protocol on Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; Optional Protocol on Convention on the Rights of the Child on Involvement of Children in Armed Conflict; International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families; International Convention on the Protection of All Persons from Enforced Disappearance; Statute of the International Criminal Court; Convention Concerning Forced or Compulsory Labour; Discrimination (Employment and Occupation) Convention; Convention on the Prevention and Punishment of Crime of Genocide; Convention Relating to the Status of Refugees; Protocol relating to the Status of Refugees; Convention on the Political Rights of Women; Convention on the Prevention and Combating of Terrorism.

African Union treaties include the African Charter on Human and Peoples Rights; African Charter on the Rights and Welfare of the Child; O.A.U Refugee Convention; Protocol on the African Charter on the Rights of Women in Africa; Protocol to the African Charter on the Establishment of African Court

on Human and Peoples Rights; African Union Convention on Preventing and Combating Corruption; African Charter on Democracy, Elections and Governance; African Union Convention for the Protection and Assistance of Internally Displaced Persons.

It was reported that the Federal Republic of Nigeria, being a functioning democracy, is committed to the promotion and protection of human rights for its citizens and persons living in Nigeria. The country is also an active player in sub-regional, regional and global mechanisms for the promotion and protection of human rights. In fulfilment of its obligations under the Convention on the Rights of Persons with Disabilities, the report stated that Federal and State governments adhere strictly to the provisions of the 1999 Constitution of Nigeria which among other things contains several guarantees for enjoyment of fundamental rights of all persons including people with special needs.

The report highlighted Section 1(1) of the Constitution which provides that, "This Constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria". The import of this provision is that all persons, bodies and authorities in Nigeria must obey and respect the rights protected in the constitution. Section 1 (3) of the Constitution also states that "If any other law is inconsistent with the provisions of this Constitution, the Constitution shall prevail, and that other law shall to the extent of the inconsistency be void". Therefore, all laws in Nigeria must be consistent with the Constitution and the judiciary in Nigeria has ensured that no law operates in the country that is inconsistent with the

The security and welfare of the citizens of Nigeria is of utmost importance to the government and this is guaranteed by Section 14(1) paragraph (c). The Constitution declared that: The Federal Republic of Nigeria shall be a State based on the principles of democracy and social justice. It is hereby, accordingly, declared that the security and welfare of the people shall be the primary purpose of government. It was pointed out that the above Constitutional provisions informed the policies and programmes of government on promoting and protecting the rights of all persons including people with special needs. The Nigeria Constitution in Chapter II under the Fundamental Objectives and Directive Principles of State Policy commits government at all levels to the following social objectives. "The State Social Order is founded on ideals of Freedom, Equality and Justice.

In furtherance of the social order every citizen shall have equality of rights, obligations and opportunities before the law; the sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced; government actions shall be humane; the independence, impartiality and integrity of courts of law, and easy accessibility thereto shall be secured and maintained". The State shall direct its policy towards ensuring that: all citizens, without discrimination on any group whatsoever, have the opportunity for security, adequate means of livelihood as well as adequate opportunity to secure suitable employment; the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused; there are adequate medical and health facilities for all persons; there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever; provisions are made for public assistance in deserving cases or other conditions of need.

The Constitution of Nigeria also guarantees the following rights: Right to life; Right to dignity of human person; Right to personal liberty; Right to fair hearing (fair trial); Right to private and family life; Right to freedom of thought, conscience and religion; Right to freedom of expression and the press; Right to peaceful assembly and association; Right to freedom of movement; Right to freedom from discrimination; Right to acquire and own immovable property in Nigeria. The Nigerian social, political and economic principles were reported as applying to all persons including persons with disabilities (PWDs). Equally, all the rights in Chapter IV of the Constitution are applicable to persons with disabilities. Nigeria's domestication of the Convention on the Rights of Persons with Disabilities

(CRPD) through its Discrimination Against Persons with Disabilities (Prohibition) Act of 2019 was reported.

The report explained that law comprehensively addresses all issues relating to the promotion and protection of rights of persons with disabilities and is a response to Article 4 of the Convention. The National Policy on Disabilities, 2018 was also mentioned. The Policy is guided by the belief that the Nigerian society has a moral responsibility to address the needs of its citizens including persons with disabilities. Consequently, the government at all levels have prioritised the concerns of persons with disabilities in their programmes and developmental initiatives. In this regard, PWDs are being integrated in the society to enable them participate fully in all spheres of life, thus removing obstacles which have hitherto hampered their active participation in political, social and economic endeavours.

The National Policy is also guided by the principle of inclusion and in implementing the Policy initiatives, the government aims at: (a) Assisting and supporting persons with disabilities to reach and maintain their optimal human potentials; (b) Ensuring that the environment and services, activities, information and documents are available and accessible to PWDs in the formats they can understand, for example, Braille for the blind and sign language for the deaf; (c) Preventing or reducing the occurrence of physical, intellectual, psychological and permanent functional limitation or disability.

The National Policy on disability adopts the social model in the definition and addressing concerns of persons with disabilities. Disability is defined as the loss of limitation of opportunities to take part in the everyday life of the community on an equal level with others due to physical or social barriers. It should be noted that the policies and programmes of development in Nigeria are grounded in the principles of inclusion, equal opportunities and non-discrimination. These principles are enshrined in the Nigerian Constitution, Federal and State Laws as well as government policies and strategies.

The report pointed out that some state governments in Nigeria have enacted laws that specifically protect the rights of persons with disabilities. Examples of such laws are: a. Lagos State Special People's Law, 2011; b. The Rights of Persons with Disability Law of Ekiti State, 2013; The above two laws are based on international principles relating to the protection of the rights of persons with disabilities. The principles enunciated in the laws include: Inherent dignity; Independence of persons; Non-discrimination; Full and effective participation and inclusion in the society; Equality of opportunity; Equality between men and women.

The report pointed to Section 3 of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 which gives the Federal Ministry of Information the responsibility for the promotion of awareness regarding the rights, respect and dignity of persons with disabilities as well as their capabilities, achievements and contributions to the society. It stated that before the enactment of this law, the federal government through its electronic media such as the radio and television networks and the National Orientation Agency which has offices in the 774 local government areas have effective awareness-raising programmes on the rights of PWDs as well as in the promotion of inclusive initiatives to ensure that PWDs have sense of national and community belonging.

In addition, the federal government through the Federal Ministry of Women Affairs and Social Development in partnership with international organisations, in particular the U.N. system in Nigeria and the civil society also carries out public awareness on matters affecting PWDs as well as policies and programmes of the federal government. Government has supported publications, translations and dissemination of international conventions and national policies and programmes dealing with disability matters.

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Nigeria on an annual basis commemorates the International Day of Persons with Disabilities which involves discussions on important issues relating to the welfare and rights of PWDs including showcasing achievements of PWDs who have distinguished themselves in their chosen careers and have made immense contributions to the society. At the state level, various Ministries of Women Affairs and Social Development also in collaboration with development partners raise awareness on matters affecting the rights of PWDs. A lot of awareness campaigns are also carried out through the media and outreach programmes.

In the same vein, the National Human Rights Commission of Nigeria which has offices in the thirty-six states of the Federation including the Federal Capital Territory has a department responsible for promoting and protecting the rights of women, children and other vulnerable groups including persons with disabilities. The Commission also has a team solely engaged in promoting awareness on the rights of persons with disabilities. The Commission through the department and the thematic area of focus on regular basis embark on series of enlightenment and advocacy aimed at addressing stigmatisation and stereotypes on PWDs including women and girls.

The Commission in partnership with UNICEF, UN WOMEN and civil organisations working on disabilities carry out leadership training programmes to provide at-risk girls with disabilities with leadership skills, educate them about their bodies and rights and help them develop their abilities to respond to inequalities and stigmatisation. The partnership also works closely with disabled persons organisations to design and implement programmes targeting girls with disabilities.

Other initiatives of the partnership include: a. awareness creation on provision of information in accessible format to women and girls with disabilities on sexual and reproductive health and rights. b. awareness raising in communities on how to eradicate beliefs, practices and stereotypes which legitimise violence against women and girls with disabilities. The Federal and state governments, National Human Rights Commission and several civil society organisations participate annually in activities marking and drawing attention to the status of PWDs which include: The International Day of Persons with Disabilities– 3 December every year; White Cane Day – 15 October every year; World Leprosy Day – last Sunday in January; World Autism Day – 2 April every year.

The report referred to the 2016 annual report of the Joint National Association of Persons with Disabilities (JONAPWD) – an umbrella organisation for civil society working on disabilities in Nigeria which acknowledges the increase in the level of public awareness on rights of PWDs when it states that “disability issues have gained significant national attention across sectors including political/electoral inclusion and participation, inclusive education, accessible health services, accessible physical infrastructure, transportation, financial inclusion etc.”.

The report referred to Sections 4 – 8 of the Disabilities (Prohibition) Act which has elaborate provisions in ensuring that PWDs have access to public buildings on an equal basis with others. Roadside walks, pedestrian crossing and all other special facilities as set out in the First Schedule made for public use shall be made accessible to and usable by PWDs including those on wheelchairs and the visually impaired. It noted that there is transition period of five years within which all public buildings must be modified for accessibility and use for PWDs. Relevant government authorities are to ensure that the provisions of the law are adhered to, and non-adherence has been criminalised accordingly. In order to ensure effective implementation of this law, government is working with all relevant authorities in the building and construction industries for the design of codes of ethics in the design and construction of public buildings, facilities and other infrastructure to be disabled friendly.

The report pointed out that the right to life in Nigeria is guaranteed by section 33 of the Constitution which provides that “every person has a right to life, and no one shall be deprived intentionally of

his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria". The provision of this section applies to everyone including PWDs without discrimination. It added that Section 1 of the Disabilities (Prohibition) Act prohibits discrimination against persons with disability on the ground of their disability by any person or institution in any manner or circumstance.

The report stated that Sections 25 – 27 of the Disability Law make ample provisions for ensuring that PWDs are not put in any situation of risk or violence, and in any situation of emergencies, necessary steps are to be taken to ensure their protection and safety and they must be given first consideration. To this end, all federal and state authorities responsible for emergency management give priorities to the safety and evacuation of PWDs in situations of emergency. The Nigerian Emergency Management Agency (NEMA) has a full-fledged unit that caters for PWDs during crisis situation.

The report stressed that the Nigerian state is founded on ideals of Freedom, Equality, and Justice. In furtherance of this social order, every citizen including persons with disabilities have equality of rights, obligations and opportunities before the law. The sanctity of the human person is recognised and human dignity is maintained and enhanced. This is provided for in Chapter II of the Constitution. Persons with disabilities in Nigeria enjoy equal recognition before the law and there is no law at the federal or state level that discriminates against persons with disabilities. Discrimination may occur at family or community level and where such acts of discrimination are brought before competent authorities, including the judiciary, there are effective remedies in accordance with the law available to the aggrieved.

Section 36 of the Constitution which guarantees access to justice for all citizens irrespective of status including living with disabilities was cited. Section 36(1) states that "in the determination of any civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality". All the constitutional safeguards to ensure fair hearing in section 36(6) are equally applicable to PWDs. Section 42(2) also states that no citizens of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth. This is also applicable to persons with disabilities.

The report stated that the National Human Rights Commission, since inception, has prioritised the protection of the rights of persons with disabilities through its vibrant complaints treatment mechanisms. Complaints of various human rights violations brought by persons with disabilities in deserving cases were treated and such violations were promptly redressed. Efforts were said to be ongoing by the federal government to provide procedural and age-appropriate accommodations to facilitate the effective roles of persons with disabilities as direct and indirect participants including as witnesses, in legal proceedings, including at investigative and other preliminary stages.

Every citizen of Nigeria is entitled to personal liberty and no person is deprived of such liberty except as spelt out in section 35 of the Constitution. Persons with disabilities equally enjoy this right. Furthermore, section 1 of the Disabilities (Prohibition) Act prohibits discrimination on the ground of disability by any person or institution and such discrimination attracts sanction. Section 34(1) of the Nigerian Constitution prohibits torture, cruel, inhuman or degrading treatment or punishment. This applies to all persons with disabilities. Nigeria is a party to the U.N. Convention Against Torture as well as its Optional Protocol. Nigeria has domesticated the Convention through the Anti-Torture Act of 2017. The law as well as the court frown at any act of torture, cruel, inhuman or degrading treatment. Competent authorities have meted various degrees of sanctions on officials found in breach of the Constitution and the law and the courts have awarded different types of damages in

favour of victims. Persons with disabilities equally enjoy the protection of the law as any other citizens.

The Nigerian state social order is founded on ideals of freedom, equality and justice and one of the social objectives of government is the recognition of the sanctity of the human person and the maintenance and enhancement of human dignity. Furthermore, the Constitution prohibits torture and any form of inhuman or degrading treatment as well as forced or compulsory labour and being held in slavery or servitude. Apart from the Constitutional provisions, the Criminal Code and the Penal Code and several other state legislations provide for non-use of violence against any person including PWDs. Section 73 of the Labour Act also prohibits forced labour and ill-treatment of the workforce and there are sanctions for breach of the provision. The newly enacted Act on Disabilities forbids the use of a person with disability in begging or parading such person in public with the intention of soliciting for alms. Violation of this provision attracts a fine of N100, 000.00 or a term of six months imprisonment or both.

All persons with disabilities enjoy freedom from torture, cruel, inhuman or degrading treatment as guaranteed by section 34(1) of the Constitution. Similarly, the Anti-Torture Act of 2017 in section 3 prohibits torture and no exceptional circumstances whatsoever, may be invoked as a justification for torture. Section 41(1) of the Constitution guarantees freedom of movement for every citizen of Nigeria without discrimination, and this equally applies to persons with disabilities. In the same vein, section 25(1) provides for who is a citizen of Nigeria. This provision of the Constitution applies to all those that are qualified to be citizens without discrimination against persons with disabilities.

The Constitution provides for the promotion of national integration and to achieve this, government at all levels is under obligation to: a) Provide adequate facilities for and encourage free mobility of people, goods and services throughout the country; b) Secure full residence rights for every citizen in all parts of the federation. At the state level, resources are devoted to ensuring that persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community and to prevent isolation or segregation from the community.

Government at both the federal and state levels spend huge resources from time to time to assist persons with disabilities by providing necessary equipment to aid their personal mobility. In this regard, wheelchairs, walking support wheels, tricycles and other mobility devices are being made available to PWDs from time to time across the country. The government and other concerned Nigerians as well as development partners embark on advocacy campaigns to ensure that all public buildings are accessible to PWDs. The report stated that in accordance with sections 3 – 5 of the Discrimination Against Persons with Disabilities (Prohibition) Act of 2019, all public buildings are directed to be constructed with the necessary accessibility aids such as lifts, ramps and any other facility that shall make them accessible to and usable by persons with disabilities. Roadside walks, pedestrian crossings and all other special facilities made for public use shall be made accessible to and usable by persons with disabilities.

Government and other transport service providers shall make provisions for lifts, ramps and other accessibility aids to enhance the accessibility of their vehicles, parks and bus stops to persons with disabilities. The law also makes ample provision for persons with disabilities using seaports, railways and airport facilities. There is a five-year transition period for government and private transport providers to comply with these provisions. Efforts are being intensified by government to sensitise all service providers to comply with the provisions of the law before appropriate sanctions are meted on defaulters.

The report referred to Section 39(1) and (2) of the Constitution which provides that every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without inference. Every person is also entitled to own, establish and operate any medium for the dissemination of information, ideas and opinions. To this end, federal and state governments have Braille Presses/Libraries in strategic centres to serve as educational resource centres for the blind and the visually impaired. For instance, the federal government has such centres in the six geopolitical zones of the country. They are in Awka, Anambra State for the Southeast; Bauchi for the Northeast; Calabar, Cross river State for the South-south, Lagos for the southwest, Kaduna for the North central and Maiduguri for the Northeast. It is noteworthy to stress that all government policies on development recognise the need to provide information to persons with disabilities in accessible format appropriate to all categories of disabilities.

The report admits that there are challenges concerning access to information and communication by PWDs with respect to their rights, diagnosis, medical records and available services and programmes pertaining to their disabilities as well as on services which are generally available to the general public. The Discrimination Against Persons with Disabilities (Prohibition) Act 2019 and various state laws to a great extent have addressed these challenges. The revised National Policy on Disability in Nigeria, 2018 also addresses these challenges. The policy has developed five strategies to make information more accessible to PWDs.

Section 37 of the Constitution guarantees the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications. Section 37 of the Constitution guarantees respect for home and family of all citizens including persons with disabilities. Nigeria is committed to providing qualitative education at all levels to every citizen without discrimination on any ground including disabilities. Section 18(1) of the Constitution provides that government shall direct its policy towards ensuring that there are equal and adequate education opportunities at all levels. Nigeria is a party to many international human rights instruments that guarantee the right to education some of which are: International Convention on Economic, Social and Cultural Rights; Convention on the Rights of the Child; Convention on the Eliminations of all forms of Discrimination Against Women; Convention on the Rights of Persons with Disabilities.

There are also many national legislation and policies that address provision of qualitative and inclusive education for citizens including persons with disabilities. Some of the legislation and policies include: Discrimination Against Persons with Disabilities (Prohibition) Act 2019; Compulsory, Free Universal Basic Education Act, 2004; National Policy on Disability in Nigeria 2018; National Policy on Special Needs Education in Nigeria (2015) and Implementation Guidelines on the National Policy on Special Needs Education; National Policy on Albinism in Nigeria, 2012; Training Manual on adaptation and implementation of Inclusive Education in Nigeria; 2010;

In its determination to ensure inclusive education for persons with disabilities in Nigeria, the Discrimination Against Persons with Disabilities (Prohibition) Act provides as follows: A person with disability shall have an unfettered right to education without discrimination or segregation in any form; A person with disability is entitled to free education to secondary school level; The Commission for Persons with Disabilities shall provide educational assistive devices; The education of special education personnel shall be highly subsidised; Government shall ensure that the education of persons with disabilities, particularly children who are blind, deaf or with multiple disabilities, is delivered in the most appropriate language, mode and means of communication, and in environments which maximise academic and social development.

Beyond legislation and policies, several practical steps have been and are being taken to ensure inclusive education of persons with special needs in Nigeria. The Special Needs Education and Rehabilitation services of the Federal Ministry of Education is a formal education given to persons

with special needs. The scheme is tailored towards individualised education programme (IEP) rendered at schools, homes and hospital settings. The implementation of the scheme is done in collaboration with relevant Ministries, Departments and Agencies (MDAs), civil society and international development partners.

Some state governments in Nigeria have established special schools and training centres for persons with special needs. As at 2009, Oyo state had eighteen facilities for primary education for special needs education. At the moment, the state has twenty-six public primary and junior secondary schools for disabled children while Osun state has eighteen. In the two states, residential facilities and lunch are provided in these schools. In Bayelsa State, students with special needs are given bursary award annually.

Despite the level of commitment demonstrated by the government at both the federal and state level towards the education of children with special needs, there are enormous challenges and efforts are being intensified to provide qualitative and functional education to children with special needs in the country. Other challenges in this area include:

- a. The number of special educators is small which limits how many special education units can be established in schools as well as the extent to which inclusive education can be practiced;
- b. Facilities are too few and many are not disabled people friendly.
- c. Children with special needs are not able to access special education because it is expensive for families to bear the cost and the environments are unsafe and not friendly to the disabled persons.

However, these challenges are being addressed and the National Policy on Disability in Nigeria (2018) as well as the Discrimination Against Persons with Disabilities (Prohibition) Act and various state laws on discrimination against persons with disabilities have taken care of these challenges. Significant improvement would have been made in this sector by the time we are submit our next Periodic Report. Section 14(1)(b) of the Constitution provides that the security and welfare of the people shall be the primary purpose of government. The Constitution also provides that government shall direct its policy towards ensuring that the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused. And that there are adequate medical and health facilities for all persons.

There are several legislations and policies that guarantee qualitative healthcare for all citizens of Nigeria including persons with disabilities. Some of these laws and legislations are: National Health Act, 2014; Discrimination Against Persons with Disabilities (Prohibition) Act, 2019; HIV and AIDS (Anti-Discrimination) Act 2014; National Health Policy, 2016; National Strategic Health Development Plan (NSHDPII) 2018-22. Section 21(1) and (2) provide unfettered access to adequate health care without discrimination on the basis of disability. A person with mental disability under the law is entitled to free medical and health services in all public institutions. There are also similar provisions in the state laws that prohibit discrimination on the basis of disabilities.

To ensure adequate health and medical care for PWDs that may be living with HIV/AIDS, government through its leading agency on HIV/AIDS matters, the National Agency for the Control of HIV/AIDS (NACA) has carried out several surveys to determine the number of persons with disabilities living with HIV/AIDS for appropriate response. The survey on HIV and Disability in Nigeria in 2013 and the study of HIV prevalence among Persons with Disabilities in Nigeria in 2015 are examples of this. NACA in partnership with the Federal Ministry of Women Affairs and Social Development has developed strategies to enhance sexual and reproductive rights of persons with disabilities in Nigeria by mainstreaming PWDs in the National HIV/AIDS Response through the 90: 90: 90 targets and

goals. This is to ensure that at least 90% of Nigerians get HIV test to know their status, 90% of those tested positive is placed on treatment and 90% of those on treatment have suppressed the virus by the year 2030.

The report admits that Nigeria is faced with challenges in the rehabilitation of persons with disabilities, particularly in the rural areas given the large population of the country as well as her huge land mass. However, several laws and policies are reported to have been put in place to improve on their living conditions and rehabilitation. It is noteworthy that all the states in Nigeria have laws and policies that place specific attention to PWDS in areas of accommodation, non-discrimination, employment, and education. One of the challenges however, is that these efforts are seen from welfare or financial empowerment rather than as a matter of rights. With the revised national policy on disability, increasing state laws on disability and the newly enacted federal law on Discrimination Against Persons with Disabilities (Prohibition) Act of 2019, issues affecting persons with disabilities are treated as matters of human rights.

Government at the federal and state levels have established rehabilitation centres and institutions for vocational training for persons with disabilities across the country adopting the Community Based Vocational Rehabilitation (CBVR) approach which involves vocational skills training at the community level. Some of the skills being imparted at the centres include making of flowerpots and vases, nylon bags, soap making, typing, weaving, knitting, Braille reading, and bead making among others. Kaduna State has increased her budgetary allocation with respect to rehabilitation of persons with disabilities in the state. The state has renovated and equipped two rehabilitation centres in Kaduna city and Kafanchan. In addition, three new ultra-modern rehabilitation centres are under construction. Also, in Delta State, south of the country, the state government is currently constructing a transit home hostel and conference hall that meet the need of PWDs through the provision of ramps and disability friendly infrastructure.

The federal government is making plans to urgently establish more rehabilitation centres across the country by ensuring that such centres are in each of the 774 local government areas. There is also the plan to establish a National Rehabilitation Institute as a research and advocacy centre to push matters of PWDs to the front burners of national policies and programmes in addition to the National Commission for Persons with Disabilities provided for in the Disability Act of 2019.

According to the report, the National state social order is predicated on ensuring that: a. all citizens, without discrimination against any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment; b. conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life. c. the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused.

Apart from the Constitution, there are several federal and state laws that regulate conditions of employment such as the Labour Act, Trade Disputes Act, and Trade Union Act. Of particular importance is the Employee's Compensation Act of 2010 which makes comprehensive provisions for payment of compensation to employees who suffer occupational diseases or sustain injuries arising from accident at workplace in the course of employment. Quite a number of persons with disabilities in Nigeria suffer disabilities as a result of job or occupational hazards and workplace related accidents and injuries.

Section 28 of the Discrimination Against Persons with Disabilities (Prohibition) Act, 2019 gives persons with disabilities right to work on an equal basis with others and contravention of this law is criminalised and sanctioned. Section 29 also provides that all employers of labour in the public sector shall have persons with disabilities constitutes at least 5% of the workforce. Government has

however in 2016 directed that “disabilities” be mainstreamed in all MDAs and to this end 10% should be reserved for qualified PWDs at the Federal level.

The federal government has also directed the Federal Ministry of Works to ensure accessibility and inclusiveness in all federal MDAs to persons with disabilities. In Delta state since, 2005, 5% of all available positions in state recruitment exercises is reserved for PWDs. In October, 2016, the Lagos state government inaugurated the governing board of the Office for Disability Affairs to manage a N500 million (N500, 000,000.00) Disability Trust Fund. The Fund is an important step to address disability inclusion. PWDs in the state are also eligible to access a N25 Billion (N25, 000,000,000.00) Employment Trust Fund. In August, 2017, the state government empowered over two thousand persons with disabilities with financial grants, assistive technologies and mobility aids. Five Hundred PWDs also receive N100, 000.00 each as start-up grants to establish businesses of their own. In April 2018, the state government employed 250 persons with disabilities in its public service.

This remains a challenge by the government in Nigeria. However, the federal and state governments have developed plans and policies in recent times to provide sustainable standard of living and social protection to PWDs. We had earlier mentioned efforts by government at all levels to provide employment opportunities for PWDs. The new Disability Act as well as various state laws on disabilities have comprehensively addressed issues relating to education, health and other social and economic support programmes aimed at inclusiveness and non-discrimination against PWDs. The federal government has put in place many programmes addressing social protection for every citizen including PWDs. Some of these programmes are social empowerment schemes providing monies for the unemployed through the N-power programme; social insurance scheme, health insurance scheme and the contributory pension scheme.

The Constitution of Nigeria and its laws do not discriminate against any particular groups of persons as far as participation in political and public life is concerned. However, as a result of societal stigmatisation and discrimination, the level of participation of PWDs in political and public life is very low. The newly passed Disabilities Act of 2019 addresses this challenge in sections 30(1) and (2). In accordance with the law, persons with disabilities shall be encouraged to fully participate in politics and public life and government shall actively promote an environment in which persons with disabilities can effectively and fully participate in a) The conduct of public affairs without discrimination; b) non-governmental organisations and associations concerned with the public and political life of the country; and c) Activities and administration of political parties.

Various Disability laws in the states also address support for active participation of PWDs in public and political life. In its efforts to ensure that persons with disabilities participate fully in the electoral process, the federal government through the Independent National Electoral Commission (INEC) and stakeholders have produced Framework on Access and Participation of Persons with Disabilities in the Electoral Process. This Framework was particularly useful in the 2019 general elections in Nigeria. PWDs face a lot of barriers in participating in the electoral process such as institutional, attitudinal, environmental and social barriers. The INEC Disability Framework has effectively addressed these barriers.

The Framework is a coordinated, concerted and deliberate approach at mainstreaming the PWDs in the national electoral process. The policy and its operational plan are aimed at the inclusion of PWDs in all aspects of the electoral process, as well as reducing the barriers they face as voters, aspirants, candidates, party officials and staff of INEC. From a human rights perspective, the Framework guarantees the full participation of eligible PWDs and other vulnerable groups and places responsibilities and obligations on INEC as well as other election stakeholders in ensuring that electoral process in Nigeria is more inclusive.

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In the 2019 general elections and state elections in 2017 and 2018, INEC provided assistive aids and technologies that enabled PWDs to participate in the process with little difficulties. Magnifying glasses were provided for persons living with albinism, Braille ballot papers for the visually impaired and general electoral information were also on Braille. The Constitution of Nigeria guarantees the participation of every citizen in cultural life, recreation and leisure in section 17(3) (b). The federal and state governments promote and facilitate cultural, recreational, leisure and sporting events. At the federal level are the Federal Ministry of Youths and Sports and Federal Ministry of Information and Culture. There is also the National Council for Arts and Culture. These are also replicated at the state level. Huge financial and other resources are devoted by governments across the Federation to cultural life and sporting activities.

The Nigeria Paralympics Committee is saddled with the responsibility of developing and promoting para sports (sports for persons with disabilities) in Nigeria. Nigeria has been participating in the International Paralympics since 1992. From 1992-2018, PWDs results in Paralympics have improved by 400% as a result of increased investment by federal, state and local authorities in para-athletics. Compared to regular Olympians, Nigeria has a 1200% better result at the 2016 Olympics. There is an international annual sporting event in Nigeria known as Paralympic games for PWDs including those with neurological disorder and other types of physical impairments.

Generally, in Nigeria, women with disabilities suffer double risk of rights violations, stigmatisation and other anti-social attitudes against them; first as women and second as women with disabilities. They continue to experience a lot of setbacks in all spheres of life not only because they lack educational opportunities, but also because of negative attitudes, stereotypes and lack of understanding which exist among the larger non-disabled group in the society. However, all rights protected in the Constitution and other extant laws in Nigeria equally apply to women with disabilities. There are also specific state laws targeted at women and many policies addressing special and economic development of women. Issues pertaining to women and girls with disabilities are prioritised in the implementation of these laws and policies. Some laws targeted at women and girls include: Violence Against Persons (Prohibition) Act, 2015; Anambra State Gender and Equal Opportunities Law, 2007; Ekiti State Gender-based Violence (Prohibition) Law, 2011; Imo State Gender and Equal Opportunity Law, 2007; Lagos State Protection Against Domestic Violence Law, 2007; Rivers State Dehumanising and Harmful Traditional Practices Law, 2007; Some policies specifically targeted at women include: National Gender Policy; National Gender Data bank; National Policy on Gender in Basic Education; National Framework on Girls and Women Education; National Policy on Sexuality and Family Life Foundation.

Some programmes of the federal government specifically targeted at women also address enhancement of social and economic benefits for women with disabilities. Some of these programmes are; Women Fund for Economic Empowerment. The Fund has a low interest rate and targets grassroots women cooperative societies. Business Development Fund for Women. It targets women entrepreneurs who desire loan to expand their businesses. The fund provides low-interest credit facilities for women entrepreneurs who may not be able to enjoy facilities from conventional banks.

Nigerian children with disabilities have over the years suffered neglect owing to the fact that they are perceived to be incapable, ill, misfit and a burden to their families and the society. These children thus become vulnerable to physical, sexual and emotional abuse. Such children when born into families of poor socio-economic backgrounds are often confronted with many problems, which tend to have negative effects on their emotional growth and development. According to UNESCO statistics, there are over 10.5 million out of school children in Nigeria out of which about 7 million are estimated to be children with disabilities. However, there are many federal and state laws as well

as policies targeted at children including children with disabilities. Some of these laws and policies are: Child Rights Acts, 2003; Various states child rights laws; Compulsory, Free Universal Basic Education Act, 2014; National Policy on Food and Nutrition; National Policy on Special Needs Education in Nigeria; National Policy on Child and Maternal Health; Strategy for the Acceleration of Girls Education in Nigeria; National Priority Agenda for Vulnerable Children in Nigeria.

The National Human Rights Commission of Nigeria in collaboration with government authorities, international development partners, the donor community as well as civil societies has many programmes addressing girls and children with disabilities. For instance, the Commission organises leadership training programmes to provide at-risk girls with disabilities with leadership skills, educate them about their bodies and rights and help them develop their abilities to respond to inequalities and injustice; Works closely with disabled persons organisations and women's rights organisations to design and organise programmes targeting girls with disabilities; Creates awareness on provision of information in accessible format to women and girls with disabilities on sexual and reproductive health and rights. The Universal Basic Education Act provides that "every state government shall provide services designed to minimise the effect on disabled children within the state of their disabilities and to give disabled children the opportunity to lead lives which are as normal as possible".

Collection and analysis of statistical information fall squarely at the federal level with the National Bureau of Statistics, Federal Ministry of Budget and National Planning as well as the National Population Commission. Individual MDAs also collect and analyse data relevant to their areas of responsibilities. There are also government departments at the state level responsible for collection and analysis of statistical information. The last population census in Nigeria was conducted in 2006 and information on persons with disabilities was factored into the process. Adequate provision on information on persons with disabilities has been factored into the forthcoming national population census. Disability modules are also part of the information to be collected in the on-going National Demographic and Health Survey (NDHS) being conducted by the National Population Commission.

Specifically, the National Population Commission in collaboration with other relevant government departments is working on survey of persons with disabilities in the country. Over the years, accurate information on persons with disabilities has been a challenge in the country and this has hampered planning and implementation of programmes to enhance the quality and standard of living of persons with disabilities. The federal government is using the opportunity of preparation of this report to upscale data collection and analysis and to audit its policies, programmes and laws dealing with PWDs.

Nigeria is a committed and active member in the community of nations. Nigeria is party to all major regional and international human rights instruments including Convention on the Rights of Persons with Disabilities and its Optional Protocol. The country participates in all regional and international activities towards the promotion and protection of human rights including those of persons with disabilities. Several Nigerians have taken up positions and are still occupying positions as independent experts in the African Union and United Nations organisations responsible for the promotion and protection of human rights.

Nigeria cooperates with international organisations towards the implementation of the Convention including the International Labour Organisation and other UN agencies in Nigeria such as Office of the High Commissioner for Human Rights (OHCHR) which provided financial support for the process leading to the compilation and production of this report, United Nations Development Programme, UNICEF, UN Women and UNESCO. Nigeria also works closely with the Department of Economic and Social Affairs of the UN in areas relating to the promotion of disabilities matters in Nigeria. Other international partners include DFID, and USAID.

The cooperation is mainly aimed at carrying out reform on disability issues, developing policies and programmes, human and institutional capacity building, public education and awareness, improving the quality and accessibility of services rendered to persons with disabilities, integrating them into the labour market and the society. Government also works with the civil society to develop and implement policies and programmes on disabilities and to enact appropriate legislation. A number of programmes are implemented in partnership with international development partners and non-governmental organisations. For instance, the Joint National Association of Persons with Disabilities (JONAPWD) is implementing a 4-year advocacy project on inclusive basic education for children with disabilities in FCT Abuja, Akwa Ibom and Kwara States with support from USAID through its Strengthening Advocacy and Civil Engagement (SACE) project in Nigeria.

The Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development is the lead Ministry and the focal point in Nigeria on matters pertaining to persons with disabilities. It works closely with other key departments such as the Federal Ministry of Budget and National Planning and Federal Ministry of Justice. The federal government also has a national coordinating mechanism known as National Working Group on Human Rights Treaty Reporting (NWG). The NWG has the mandate to provide technical assistance to government in the preparation and monitoring of the implementation of acceptable recommendations of treaty monitoring bodies of the African Union and the UN. The National Commission for Persons with Disabilities, which was recently inaugurated will play important role in the monitoring and implementation of the provisions of the Convention.

The process of preparing this initial report on the implementation of Nigeria's obligations under the Convention on the Rights of Persons with Disabilities has afforded the federal and state governments as well as the civil society the opportunity to carry out a comprehensive audit of policies, programmes and laws relating to the promotion and protection of the rights of persons with disabilities in the country. In spite of government efforts at all levels, we observed the existence of gaps in fulfilling our obligations under the Covenant. Nigeria is however determined and committed to carry out a robust review of its policies, programmes and laws with the aim of ensuring more inclusion of persons with disabilities in all spheres of national life.

In this regard, the federal government will continue to partner with state governments, the civil society, international development partners and other critical stakeholders to bring matters relating to the welfare of persons with disabilities to the front burner of national development programmes⁵².

⁵²https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fNGA%2f1&Lang=en – Accessed 10/11/2022

Chapter Nine

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

9.0 Introduction

Often referred to as an international bill of rights for women, the UN General Assembly adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979. It establishes an agenda for national action to abolish discrimination against women and defines what constitutes such discrimination in its prologue and 30 paragraphs. Discrimination against women is described in the Convention as "...any distinction, exclusion or restriction made based on sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, based on equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."

The Convention provides the basis for realising equality between women and men through ensuring women's equal access to, and equal opportunities in, political and public life, including the right to vote and to stand for election, as well as education, health and employment.⁵³ The Convention is the only human rights treaty that affirms women's reproductive rights and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. States parties also agree to take appropriate measures against all forms of traffic in women and exploitation of women.⁵⁴

The Convention lays the groundwork for achieving gender parity by guaranteeing women's equal access to and opportunities in political and public life, including the ability to vote and to run for office, as well as in areas like education, health, and employment. States parties concur to implement all necessary steps, including legislation and exceptional short-term measures, to ensure that women can fully exercise their fundamental rights and human freedoms. The Convention is the only human rights pact that addresses culture and tradition while upholding women's reproductive rights. It upholds women's rights to choose their nationality, as well as the nationality of their offspring. Additionally, States Parties Agree to Take Appropriate Action Against All Forms of Women's Trafficking and Exploitation.

The convention seeks to: Reduce sex trafficking and domestic violence; Provide access to education and vocational training; Ensure the right to vote; End forced marriage and child marriage and ensure inheritance rights; Help mothers and families by providing access to maternal health care; Ensure the right to work and own a business without discrimination. States which ratify the Convention agree to adopt a number of actions to abolish discrimination against women in all forms, including: (1) To incorporate the principle of equality of men and women in their legal system, repeal all discriminatory laws and adopt appropriate ones prohibiting discrimination against women; (2) To establish tribunals and other public institutions to ensure the adequate protection of women against discrimination; and (3) To ensure the elimination of all acts of discrimination against women by persons, organisations or enterprises.

On October 6, 1999, the UN General Assembly approved the CEDAW Optional Protocol and made it available for member states that were CEDAW parties to sign and ratify. The terms of it went into

⁵³Convention on the elimination of all forms of discrimination against women. (n.d.). Welcome to the United Nations. <https://www.un.org/womenwatch/daw/cedaw/>

⁵⁴Ibid

effect on December 22, 2000. The CEDAW Optional Protocol's goal is to improve the rights under CEDAW's accessible enforcement tools. According to the Protocol, complaints may be sent directly to the UN. Despite being a powerful and significant declaration of women's human rights, CEDAW is not always upheld by states through their domestic legal frameworks. Although the rights are there, they are frequently not upheld.

Women may file a complaint with the CEDAW Committee alleging that their rights under the CEDAW have been violated under the Optional Protocol to the CEDAW. Before filing a case, it must be established that all legal options accessible in the nation have been explored. It is crucial to remember that the Optional Protocol only offers a new means of enforcing rights that have always existed when a national government joined CEDAW. It does not establish any new rights. The country's Initial Report to the UN Treaty Bodies on CEDAW was due on 13 July 1986. However, the Report was not submitted until 1 April 1987. The report was subsequently amended and resubmitted in October 1987. Another Report was due to be submitted on 13 July 1994 but was submitted on 13 February 1997. A third Report was due on 13 July 2002 but was submitted on 23 January 2003. The fourth Report to the UN Treaty Bodies was submitted on 5 October 2006, although it was due to be submitted on 13 July 2006. The fifth Report which was due to be submitted on 13 July 2014 was submitted on 7 October 2015 and a Report on Concluding Observations was submitted on 24 July 2017.

Some Civil Society Organisations also submitted shadow reports. Among these were: (a) Joint submission by Centre for Reproductive Rights and the Women Advocates Research and Documentation Centre – 30 May 2017; (b) Amnesty International – 7 June 2017; (c) Nigeria Sex Workers Association – 8 June, 2017; (d) International Baby Food Action Network (IBFAN) – 13 June 2017; and (e) Women's International League for Peace and Freedom (WLPP) – 28 June 2017

9.1 Nigeria's Initial Report

The country's Initial Report to the UN Treaty Bodies on CEDAW was due on 13 July 1986, however, the Report was not submitted until 1st April 1987. The report was subsequently amended and resubmitted in October, 1987. The amended version is reproduced below. According to the report, Nigeria, the most populous African Country, lies between latitudes 4 and 14 degrees north of the Equator and longitudes 3 and 15 degrees east of the meridian, and covers an area of 923,768.64 square kilometres. Nigeria is a heterogenous society with a large number of ethnic groups, each with its own language or dialect. Nigeria has an estimated population of about 100 million. The 1963 census figures indicate that there are about as many males as there are female Nigerians.

The Federal Military Government of the Federal Republic of Nigeria ratified without any reservations the Convention on the Elimination of All Forms of Discrimination Against Women on 13 June, 1985 and in accordance with the provisions of Article 27.2, the Convention entered into force in Nigeria on 13 July, 1985. Since then, events taking place in the country have had considerable impact on the role of women in National Development. The purpose of this Initial Report, submitted in fulfilment of Nigeria's obligation under Article 18(1) of the Convention is to indicate the progress made and the measures taken towards the implementation of the Convention within these first 2 years of its entering into force in Nigeria.

Part one of the report dealt with the general legal, social, economic and political framework within which Nigeria approaches elimination of discrimination against women within the meaning of the convention. The report pointed out that in Nigeria, as elsewhere in Africa, society has traditionally placed a high premium on the birth of male children. The preference for male children still lingers on in Nigeria, even among the highly educated middle-class families. Pervasive and entrenched attitudes die hard. At the present stage of its development, the Nigerian woman has gone beyond the stage of agitating generally for liberation or equal rights with her male counterpart. Nigeria has

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for long, but certainly since 1979 accepted the obligation to afford to women the same treatment as is afforded to men in all spheres of life, particularly in all the areas covered by the Convention.

According to the report, the Constitution of the Federal Republic of Nigeria 1979 (which was the Constitution in force in Nigeria then) contains a Chapter on Fundamental Rights and Freedoms stipulating the rights and freedoms guaranteed under the Constitution. Specifically, subsection (1) of section 39 of the Constitution provides - 39-(1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person – a (a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the Government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions are not made subject, or (b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religious or political opinions." Again, section 15(2) of the Constitution provides as follows – "National integration shall be actively encouraged whilst discrimination on the grounds of place of origin, sex, religion status, ethnic or linguistic association or ties shall be prohibited."

The report stated that many similar provisions exist both in the 1979 Constitution and in several other legislations. Accordingly, there is not that general need to enact a separate municipal legislation to give the force of law to the provisions of the Convention. The report explained the unique references in diverse sections of the Constitution to the phrase, "sectional barriers, sex, religion, ethnic status or linguistic association or ties". This is because Nigeria consists of a very large land space with so many tribes, linguistic and diverse religious groupings. Accordingly, in addition to the age-old war of the sexes, the Nigerian woman may also be subjected to discrimination springing from one of the many mischievous categorisations to which section 15(2) of the Constitution quoted above has adverted.

The report goes on to state that even before the launching of the International Decade for Women, successive Nigerian Governments were committed to building an egalitarian society where every Nigerian, irrespective of age, sex or creed enjoys equal rights, the benefits and opportunities enshrined in the Constitution. Nigeria's social development policies and programmes were reported to be directed at the improvement of the quality of the life of the individual, irrespective of sex. Section 17 of the Constitution, among other things, provides– (1) The State social order is founded on the ideals of Freedom, Equality and Justice. (2) In furtherance of the social order– (a) every citizen shall have equality of rights, obligations and opportunities before the law. (b) the sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced."

The report added that with the signing and ratification by Nigeria in June 1985 of the Convention on the Elimination of All Forms of Discrimination Against Women, Nigeria had become even more determined to remove those obstacles which impede the participation of women in full National development efforts. With the establishment in 1984 of the National Committee on Women and Development and the efforts of the various women's societies under the umbrella of the National Council of Women's Societies, and Women In Nigeria (WIN), respectively, and gladdened by the ratification of the Convention, Nigerian women are being urged to mobilise and come out in full force to claim the rights which already statutorily and constitutionally are theirs. The way has been smoothened for them.

The report referred to the Constitution and laws of the country which guarantee women equality of rights, liabilities and opportunities before the law. The report stressed that when Nigeria signed and ratified the Convention on the Elimination of all Forms of Discrimination Against Women on 13th June 1985, without reservations, she totally accepted the obligation to afford women the same

treatment as is afforded men in all of the areas covered by the Convention. Nigeria also accepted to pursue by all appropriate means and without delay a policy of eliminating discrimination against women as required by Article 2 of the Convention.

The Fundamental Objectives and Directive Principles of State Policy and the Charter of Fundamental Rights contained in sections 13-14 of that Constitution show clearly the Government's intention to safeguard the rights of all citizens alike. It is a strongly held view that the 1979 Constitution contains all that is required under the law to give the Nigerian woman exactly the same status as her male counterpart. The process that culminated with the 1979 Constitution has been gradual. In 1977, the last group of Nigerian women, who had hitherto been denied the vote received the vote and participated in the Local Government elections of that year. Since then, all Nigerian women have voted.

According to the report, the two years since the entry into force of the Convention have seen the actualisation by the 21 State Governments in Nigeria of the Federal Government's commitment to getting women more involved in the running of the affairs of the country. Major-General Ibrahim Babangida, President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria has not only been vocal in his commitment to the ideals of the Convention but has taken action that leave no one in doubt as to the sincerity of his intention.

Accordingly, the period under review has at the Federal Government level, seen the appointment of the first woman Vice-Chancellor of a Federal Government-owned University. Also, not long ago the first woman ever was appointed a member of the Federal Civil Service Commission and a woman was among the three High Court Judges appointed for the new High Court of the Federal Capital Territory, Abuja. Three new Permanent Secretaries joined the three serving female Federal Permanent Secretaries, the first of whom was appointed about a decade ago. A woman was recently appointed to the Federal High Court Bench and very recently, a woman was for the first time appointed as a Justice of the Court of Appeal. Many women have been appointed to the various State High Court Bench.

In the same vein, on the international scene, four female ambassadors were recently appointed. The Nigerian delegations to conferences have often included women and apart from those Nigerian women sponsored for election to international organisations exclusively catering for women's interests, like CEDAW and INSTRAW. A Nigerian woman was recently nominated and elected as the Vice-President of the International Institute of Arbitrators. At the States level, the Federal Government has directed that each State Government include at least one woman in its Cabinet. This directive has been complied with and some States even have more than one female Commissioner in their Cabinets. Generally, female Commissioners are placed in charge of Ministries with functions related to women and children. Two States have women as their Attorneys-General while others assign the health Ministry to their female Commissioner. In one State, a woman is the Accountant-General. Another woman is the Solicitor-General of a State. The period under review also saw the appointment of a woman as the Rector of the Lagos State College of Science and Technology.

The report pointed out that Nigeria has been active in the implementation of programmes for the integration of women in development. Accordingly, in consonance with the recommendations of the World Conference of the International Women's Year, Mexico City 1975 and the Mid-Decade Conference in Copenhagen in 1980, the Federal Government of Nigeria established the National Committee on Women and Development in July 1982 and charged it with the responsibility to advise the Federal Government on all matters relating to women.

Plans are therefore underway to upgrade the National Committee on Women and Development to the status of a Bureau to equip it for the arduous task of redressing certain institutional imbalances that have prevented women from developing their potential and limited their participation in national development efforts. Women's Development Units have been set up at the Federal and State Ministries responsible for Women's Affairs and each such unit has been charged with the following functions – (a) the examination and evaluation of the contribution of women to the various sectors of development in the light of national needs and priorities; (b) the study of specific areas where women's participation should be initiated or strengthened; (c) working with Government authorities at all levels and in close co-operation with women's non-governmental organisations for the promotion of the participation of women in the development of human resources for the community; and (d) to service the States and National Committees on Women and Development by acting as a co-ordinating body and machineries for the full integration of women into national development.

In addition to these National, State and other machineries on women, any allegation of an infringement on the right of any person may be lodged in court which will in the normal course of its functions, adjudicate and determine the issue on the facts presented. In this regard, two female workers have had occasion to sue their employers for alleged discrimination. This matter will be discussed at the appropriate area of this Report. The Court in each of those cases found in favour of the plaintiff female employee. Within the period under review, the Attorney-General of the Federation and Minister of Justice reversed the bureaucratic directive that allowed the Police to refuse women the right to take on bail any person in Police Custody. This directive, the Attorney-General has declared, has no basis in law. He also directed that woman should be allowed to take suspects on bail and bear any unpleasant consequence that may flow from that action.

Until recently, the National Committee on Women and Development lacked the logistic support to enable it to function effectively. However, the Federal Government recently approved the establishment of a division in the Ministry of Social Development, Youth and Sports to service the meetings and other business of the National Committee on Women and Development.

In addition, Government continues to subvert a number of nationally recognised non-Government Organisations, chief amongst which is the National Council of Women's Societies, which is the umbrella of most women's organisations. There are several other women's organisations, including an organisation known as Women in Nigeria, which are encouraged to carry out their programmes for women through self-help and the patronage of the community at large. These efforts, if properly co-ordinated, will yield useful results to the benefit of women particularly those at the grassroot. The Convention specifically calls for consideration to be given in particular to the following issues as they affect women, that is – (a) Political Rights; (b) Nationality; (c) Education; (d) Employment; (e) Health Care; (f) Marriage and the family.

The report reiterated that Nigeria is a patriarchal and very male-oriented society. Until the new Constitution was enacted in 1979, a large section of women in the vast Northern parts of the country was denied political rights. This state of affairs was entrenched in the earlier Constitutions. The 1979 Constitution, for the first time, included the provision that no person should be discriminated against on the basis of sex. In this regard, section 37 of the Constitution provides– "Every person shall be entitled to assemble freely and associate with other persons, and in particular, he may form or belong to any political party".

Accordingly, the right of all citizens of Nigeria, regardless of sex, to run for office and indeed to form political parties and associations is guaranteed by the Constitution. The report pointed out that over the years, as women become more exposed to education and experience in the professions, more women are offering themselves for elective offices and political appointments. During the last civilian administration which ended in December 1983, there were female members in the House of

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Representatives and during the regime which came into being in September 1983 and ended in December 1983, there were three female members in the House of Representatives and one female senator. Women are widely involved in all aspects of government policy formulation and implementation.

The report admitted that in spite of the above-mentioned breakthrough and laudable advancement of the Nigerian woman towards the elimination of discrimination against her, a lot still remains to be done. While there are no provisions discriminatory of women in our statute books, there are no enforceable laws that offer them succour when they are discriminated against by customs, administrative directives and discriminatory religious practices. According to the report, important factors that contribute to or fuel discrimination include the woman's perception of herself, her goals and expectations. During a recent survey, respondents were asked to rate the factors of self-evaluation on a scale ranging from "Very important" to "Not at all important".

Findings from the survey shows that quality of work scored 68.62 percent while having a good professional knowledge and initiative scored 53.8 percent, as being very important factors in women's career development and progress in an organisation. This is followed by loyalty to the organisation and obedience to regulations with 52.9 percent respectively. Level of academic qualifications follows with 50.9 percent of the respondents saying that it is very important and 39.0 percent saying it is an important factor in promotion, salary increase and training opportunities.

On the other hand, the findings show that having friends at the top of the organisations have very little or no effect on women's career prospects. The survey shows 43.1 percent of the respondents saying that to have friends at the top of the organisation is not all important, 19.6 percent say it is important, while 7.8 percent claim it is very important in promotion and training opportunities. This is contrary to the popular belief that women use office romance to progress in their career. These findings confirm the assertion that office romance does not often lead to a woman's progress. Efforts are being made to publicise the findings of the survey to disabuse the minds of young women who may have the belief that office romance is a strong factor in career development or advancement.

The report added that Nigerian women have come a long way from the shackles of tradition where even parents were almost ashamed at the birth of a female child. Nigerian women have made their marks in many occupations. The laws of Nigeria have given adequate protection to the rights of women in society, including their rights to equal educational opportunities and employment. The Nigerian woman has not always enjoyed equal rights with men but in the last few years' attempts have been made to give redress. Many obstacles have been in the way. In spite of suffrage, in spite of the constitutional provisions guaranteeing equal rights, women are still far from fully securing them.

Public sector enterprises have provided the impetus which has shot Nigerian women to their present height. In the private sector, one notices that only women outside the childbearing age are accorded recognition or appointed to senior management positions. Though women have competed favourably with men in the quality of their contribution to national development in public and private enterprises through their employed positions, they still lag far behind the men in numbers. The achievement of the full potentials of Nigerian women requires continuous co-ordinated efforts and the commitment of government, the public and private sector enterprises, as well as the women themselves.

Responding to the individual articles of the convention and on the definition of the phrase, "Discrimination Against Women", the report noted that notwithstanding that the Nigerian Constitution uses the term "Discrimination based on Sex" rather than "discrimination against women", as in the text of Article 1 of the Convention, there is no controversy that the relevant sections where that construction is used respectively seek to protect women from discrimination

merely on account of the fact that they are women. This is so because, Nigeria being as male-oriented as it is, no man has ever seriously raised the issue that he is being discriminated against.

The Constitution in sections 15(2) and 39(1) and (2), which have been acclaimed to be a milestone for Nigerian womanhood was inserted to cure that imbalance. Earlier Constitutions did not mention "sex". All other rights have since flowed from that constitutional guarantee. The equality of right guaranteed under the fundamental objectives in sections 13 - 22 of the Constitution, covers all women irrespective of their marital status and other considerations. In this regard, section 15(2) of the 1979 Constitution provides as follows: "Accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion status, ethnic or linguistic association or ties shall be prohibited."

In this regard, the report pointed out the provisions of the Constitution relating to citizenship (sections 23 - 28) which while according equal citizenship rights to both men and women and equal rights to children claiming citizenship from Nigerian men or women alike, also contain favourable terms relating to permanent residence in the case of alien women married to Nigerians who do not intend to renounce their maiden citizenship and also make soft-term provisions for those alien women married to Nigerian men who so desire to acquire Nigerian citizenship. No such corresponding provisions exist for alien men married to Nigerian women. Other examples of laws more favourable to Nigeria women exist.

On Article 3 dealing with legislation, the report stated that the legal status of the Nigerian woman is, on the face of it, enviable. The Nigerian woman has progressed beyond the stage of agitating for equal rights with her men folk because no discriminatory laws against her exist in the statute books of the country. The Constitution of the Federal Republic of Nigeria 1979 not only guarantees full equality between men and women with regard to their rights, obligations and benefits, but also specifically prohibits discrimination on ground of sex and provides the instrument for the enforcement of those rights and obligations.

As citizens, women are entitled to all the fundamental human rights guaranteed in the Constitution and can often challenge in court any attempt by any person to interfere with the exercise of any of those rights. Admittedly, since December 1983, Nigeria has again come under Military rule. The return of the Military to the political scene has done nothing to alter the favourable position of women before the law. As a matter of fact, the Federal Military Government on the assumption of power in 1983 directed the inclusion of at least one woman as a Commissioner (Minister) in all the Cabinets of the then 19 State Governments.

The Federal Military Government itself appointed two more female Permanent Secretaries and a female Commissioner of Police. This gesture is laudable, considering that it is the first of such directive in the history of Nigeria and it has become the springboard of many high-level appointments for women.

No laws are specifically directed against women. All laws are applicable with equal force to the entire populace, men and women alike. Legislative provisions are, unhappily, not always matched with adequate enforcement measures. The application of certain laws, certain bureaucratic directives and decisions, coupled with ingrained attitudes, behaviours and customs have worked to install practices the combined effect of which is to discriminate against women and abridge their legal rights and access to otherwise commonly owned resources. This in turn prevents the full participation of women in the enjoyment of the commonly owned benefit-economic, political and social development processes, an effect which could not have been intended by the legislature. In this regard, a discriminatory administrative directive, which does not have its roots in any legislation, was ordered to be revoked.

In relation to Article 4 which recommends the adoption of special temporary measures to eliminate discrimination against women, the report noted that this article does not have much application in Nigeria. In this regard, the report highlighted areas where the Nigerian woman enjoys greater advantage than the men. These can be found in the area of female school enrolment and in the adult literacy and vocational education programmes. In the employment sector, policy directives have been used to ensure equal opportunity for both men and women and to encourage the private sector to accord to women equal access to job opportunities.

On Article 5 which enjoins States Parties to take all appropriate measures – (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles of men and women; (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

The report pointed out that this article is a difficult one to translate into action. At best perhaps the article should be seen as inviting States to do all that is possible to remove prejudices against women, perhaps legislate against cultural and traditional practices which discriminate against women, and which encourage the stereotyped roles of men and women respectively. Nigeria is a country deeply steeped in tradition in certain parts of it. In the purely traditional society, the woman is subjugated in marriage, in divorce and in widowhood. In widowhood she forms part of the man's personal property to be inherited.

However, with greater education and with Government's attitude, things have somewhat changed for the educated woman, but the rural traditional woman is yet, to reap these benefits. Oddly enough, these customary practices and prejudices were actually fuelled and legalised by statute. For example, the 1963 Constitution provided in section 19 as follows: (1) No person shall be subjected treatment to torture or to inhuman or degrading punishment or other treatment. (2) Nothing in this section shall invalidate any law by reason only that it authorises the infliction in any part of Nigeria of any punishment that was lawful and customary in that part of Nigeria on 1st day of November 1959.

However, the 1979 Constitution contains no such provision as section 19(2) above. Section 31 of the 1979 Constitution, which corresponds to s.19 of the 1963 Constitution provides: (1) Every person is entitled to dignity and respect for his human person and of the human person. Accordingly, (a) no person shall be subjected to torture or to degrading or inhuman treatment." Article 6 on prostitution invites all States Parties to take appropriate measures to suppress prostitution. In the interpretation of this article, there are 2 schools of thought. One school believes that the article intends to legislate against prostitution per se, while the other school holds that it is intended to deal with the traffic in women and the exploitation of prostitution.

It would appear that existing Nigerian law in the main deals with the exploitation of prostitution. It is silent on engaging in prostitution. Under the Criminal Code of Nigeria, there are extensive provisions against those who encourage the prostitution of girls under 16 years, against those who allow persons under 16 to be in brothels, those who procure persons who trade in prostitution (illegal traffic), those who keep brothels, unlawful detention with intent to defile or defilement and detention in a brothel. Except that the existing legislation does not address the issue of prostitution per se, their provisions are far reaching enough particularly in the protection of young girls.

Notwithstanding that there is no specific law making prostitution an offence, in practice one notices that the police and law enforcement agents often raid brothels and other known operational bases

of prostitutes. They are often arrested and sometimes taken to court, perhaps charged with soliciting and punished as provided by law.

Article 7 on Political and Public Life requires that States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and ensure to women on equal terms, right – (a) to vote in all elections; (b) to participate in the formulation of government policy; and (c) to participate in non-governmental organisation concerned with the public and political life of the country. Until the new Constitution was enacted in 1979, a large section of women in the vast Northern parts of the country were denied political rights. This state of affairs was actually entrenched in the earlier Constitutions. The 1979 Constitution, for the first time, included the provision that no person should be discriminated against on the basis of sex. In this regard, section 37 of the Constitution provides: "Every person shall be entitled to assemble freely and associate with other persons, and in particular, he may form or belong to any political party"

Accordingly, the right of all citizens of Nigeria, regardless of sex, to run for office and indeed to form political parties and associations is guaranteed by the Constitution, subject to certain statutory or constitutional restrictions which are of general application. Over the years, as women become more exposed to education and experience in the professions, more women are offering themselves for elective offices and political appointments. During the last civilian administration which ended in December 1983, there were female members in the House of Representatives while there were three female members in the House of Representatives and one female senator during the regime which came into being in September 1983 and ended in December 1983. Women are widely involved in all aspects of government policy formulation and implementation. A few months ago the National Electoral Commission was constituted. It is a body to steer the country from military to civil democratic rule. A woman is among the 4 members. Similarly, the political Bureau that inquired into and recommended the most appropriate political system for Nigeria had 2 female members.

In spite of the above-mentioned breakthrough and laudable advancement of the Nigerian woman towards the elimination of discrimination against her, a lot still remains to be done. True, there are no provisions discriminatory of women in our statute books. It is equally true that there are no enforceable laws that offer her succour when she is discriminated against by customs, administrative directives and discriminatory religious practices. The real problem is that Nigerian men and women alike are tardy about litigation. Otherwise, it would have been easy to test many more cases of discrimination in court. There are still no enforceable laws that protect against traditions, attitudes, customs, religion and illiteracy. Administrative directives have also had a great impact on the rights of women.

Article 8 enjoins States to afford to women the opportunity to represent their governments at international level and to participate in the work of international organisations. In response to this, the Report stressed that there is no conscious discrimination against women in this regard. It stated that Nigerian Delegations to international conferences often include women who are conversant with the workings of the Organisation concerned or with the topics of the agenda. In addition, the number of women representing Nigeria is steadily increasing. The Report stated that 4 new ambassadors were appointed to represent Nigeria abroad. The Permanent Secretary in the Ministry of External Affairs is a woman. Nigeria's successive representative in UNESCO, Paris, over a period of years now has been a woman. Nigeria is represented on the United Nations Civil Service Committee by a woman. The list is unending. It is again hoped that with time, the number of women on the international scene will increase.

Article 9 requires that States Parties should grant women equal rights with men to acquire, change or retain their nationality. In particular, States Parties should ensure that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality

of the wife, render her stateless or force upon her the nationality of the husband. It further requires that States shall grant to women equal rights with men with respect to the nationality of their children. In response, the report noted that in Nigeria, no discrimination of any kind exists against women under the 1979 Constitution in relation to citizenship or nationality rights. There is no distinction between a person who claims his Nigerian citizenship from his mother or his father, or indeed from any of his grandparents. However, under Sections 24 and 25 of the Constitution, while an alien woman married to a Nigerian man can apply for and obtain Nigerian citizenship by registration or naturalisation, an alien man married to a Nigerian woman does not have any such corresponding right.

In addition, an alien woman married to a Nigerian man who does not wish to renounce her citizenship of birth in favour of the Nigerian citizenship may under regulations made pursuant to section 29 of that Constitution, be granted special immigrant status with full residential rights. It noted that Nigerian law does not recognise dual citizenship. Accordingly, any Nigerian citizen who acquires or retains the citizenship or nationality of another country shall immediately forfeit his Nigerian citizenship. Also, no foreigner can acquire Nigerian citizenship by registration or naturalisation unless he first also renounces the citizenship of that other country. It should be stated that a Nigerian woman who marries a foreigner does not merely by that marriage forfeit her Nigerian Citizenship; but she shall so forfeit it if she takes steps to acquire full citizenship status of that other country or renounce her Nigerian citizenship.

In accordance with prevalent Private International Law, in Nigeria, the domicile of a person is either that of origin, which is dependent on that of his parents or domicile of choice, being a place where the person concerned regards as his home. The domicile of a married woman under Nigerian law is determined by the Matrimonial Causes Act 1970. That Act under section 2(2) constituted Nigeria into one jurisdiction for the purpose of instituting a Matrimonial Cause. For this purpose, the High Court of any State shall have jurisdiction to hear and determine specified matrimonial causes. It is gratifying to note that under section 2(3) of the Matrimonial Causes Act 1970, a Nigerian woman need not institute her proceedings in the domicile of her husband. Indeed, she may institute such proceedings in any High Court in the country whether or not her husband lives within the jurisdiction of that Court or indeed, whether she herself lives within the Court's jurisdiction. This is a laudable departure from existing law and practice regulating a woman's domicile.

Article 10 invites States Parties to take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education. The introduction of western education and religion opened up wide horizons for Nigerian women. However, the impact of this was not equally felt in every corner of Nigeria. With its size and heterogeneous culture and religion, it is difficult to subject her to valid generalisations of whatever kind. The Report admits that there have been understandable disparities in the acceptance and adoption of western values, including education. In the coastal parts of Nigeria through which the influence of western civilisation entered the country, girls were being sent to school even in the 1930's. Educational facilities of any type were then very few and the number of girls attending schools was small. As educational facilities increased, an increasing number of girls was sent to school. But the choice of education has usually been influenced by traditional attitudes so much so that even today in spite of the progress made in the education of women and the constitutional guarantee of equal opportunities to education, girls are under-represented in almost every subject area, particularly in the sciences.

Recognising the crucial role of education in economic development and social transformation, successive governments in Nigeria were said to have given a high priority to education in resource allocation. Increased resource allocation has resulted in a phenomenal rise in educational institutions, facilities and student enrolment. It can be said without much controversy that with the

introduction of the Universal Free Primary Education scheme in the 1950s, and the massive public investment in education since 1960, education is no longer the preserve of a particular gender. At the primary and secondary education levels, female student enrolment does not lag too far behind male student enrolment. In 1975, for instance, the school enrolment ratio for female students (ages 6-11 years) was 32 percent, while that of students (ages 12-17 years) was 14 percent of total student enrolment for the respective age groups.

As reported, the number of higher institutions of learning in Nigeria has grown rapidly since 1960. For instance, the number of universities grew from 1 in 1948 to 30 in 1983. The Universities are supplemented by about equal numbers of Polytechnics, Colleges of Technology and Colleges of Education respectively. Student enrolment in these higher institutions has also grown correspondingly. University student enrolment has grown from 6,707 in 1964-65 to 57,772 in 1979-80 and 82,952 in 1981-82. Female student enrolment which was 15.9 percent in 1975-76 recorded 27.96 percent in 1981-82.

The field of education and level of attainment determine for the most part, the extent of female participation in national development. The most popular or preferred academic faculties were Law, Education and the Arts, where female students accounted for 15 to 21 percent of total student enrolment in those fields. These were followed by Administration, Pure Science, Environmental Studies and Medical Sciences where female students accounted for only 9 to 10 percent of total enrolment in those fields. Data is not readily available on the enrolment and distribution by faculty and sex of students in the Polytechnics, Colleges of Technology and Colleges of Education. However, students attending the Colleges of Education, majority of whom are female, are prepared for the teaching profession. Data obtained from the country's premier college of technology (Yaba College of Technology) for 1981 show that female students constituted 15.7 percent of total enrolment. The female students also prefer the Humanities, (13%) to the sciences (8.7%).

The Nigerian National Policy on Education makes only one reference to women's education, and that is as follows: "With a view to correcting the imbalance between the number of boys and girls in formal education and with particular regard to women's education, special effort will be made by Ministries and Local Government Authorities in conjunction with Ministries of Community Development and Social Welfare and of Information, to encourage parents to send their daughters to school."

However, the absence of further specific reference to women's education in the National Policy on Education does not stem from lack of concern about women's education but on account of the fact that there is adequate constitutional and policy guarantee of non-discrimination in education. In this regard, section 18 of the 1979 Constitution provides as follows – "Educational Objectives (1) Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels. (2) Government shall promote science and technology; (3) Government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide – (a) free, compulsory and universal primary education; (b) free secondary education; (c) free university education; and (d) free adult literacy programme."

On women's participation in the labour force, the report noted that Africa has, by far, the highest proportion of economically active women in the world. For instance, in 10 out of 42 surveyed countries, women's participation rate exceeded 45 percent and comes close to the male participation rate of 46-62 percent. In 1970, Nigerian women had a participation rate of 32.37 percent. According to findings from an ILO 1970 survey, the participation rate of Nigerian women between the ages of 20 and 65 in economic activities as a percentage of total population of the age group is extremely high. Women's activities in the agricultural sector definitely accounts for the very high participation

rates. Over 67 percent of the Nigerian population is predominantly rural and majority of them are farmers.

The Nigerian labour force is relatively young, as half of it are in the 20-35 year age-group and about 80 percent is less than 45 years old (Nigerian labour force by age and sex based on the 1963 census figures). The labour force dropped significantly after the age of 54 years, reflecting the then prevailing compulsory retirement age of 55. The retirement age has since been raised to 60 years in the public sector, except for High Court Judges who retire at 65. The cultural diversity of Nigeria referred to earlier has had considerable impact on women's direct participation in economic activities. The pattern of female employment or involvement in the labour force varies in different parts of Nigeria, and particularly from north to south. In the south, women have traditionally contributed to meeting some of the basic needs of their families. They engage in basic crafts, trading and paid employment, and have always been economically active and relatively independent. In the north, women were often secluded.

A study in 1977 by the National Manpower Board showed that women were employed in almost all fields of occupation. However, they accounted for not much more than 5 percent in most occupational categories. Women's participation was significantly high in such occupational categories as nursing, librarianship and archivists, confidential secretaries, stenographers, clerical and executive officers. In the field of higher education, Nigerian women have made immense contributions. As at April 1977, there were 4,864 lecturers in 12 Nigerian Universities, 6.14 percent of whom were women. In the fields of Environmental studies, Education, Arts and Medical Sciences, women accounted approximately for between 10 and 20 percent of the faculty members. The distribution of lecturers by sex and discipline is consistent with the occupational preferences of the female university students earlier discussed in this Report.

In the Polytechnics and Colleges of Technology, 12 percent of the teaching staff were female. Out of the Nigerian teaching staff in the Advanced Teachers' and Technical Colleges, about 16 percent were female. In Secondary Schools and Colleges of Education (teachers' colleges) about 19 percent of the teaching staff were female, whereas in the technical schools and Trade Centres, women Instructors accounted for about 10 percent of the teaching staff. It concluded that until about 20 years ago, some 85 percent of girls left school at the age of 15. Today, the story is different. Even though the average first school leaving age has dropped to about 16 years, many girls stay at school well after that age.

Under Article 11 which stipulates that States shall take all appropriate measures to eliminate discrimination against women in the field of employment, the Report stated that although women tend to marry younger, more married women stay at work even during their child-bearing age. Women's working lives have thus been transformed. It stressed that the employment policy of the Federal Government of Nigeria guarantees that women have the same right of entry as men to practically all public offices and administrative posts, and overt sex discrimination in pay has been almost eliminated from the public service. However, large disparity still remains between the average earnings and career prospects of men and women in industry commerce and even in the public service. Part of the differences in pay may be attributable to heavy taxation imposed on women's earnings, disparate leave and other allowances payable to women, and the type of occupations and the shorter hours during which women work in the industries.

Again, women do not always have the same chances as men of training for skilled work or for promotion. Women are poorly represented in the decision-making cadres. A number of factors, including the calls made on women's time and energies by motherhood and the care of children partly explain these differences. The most widely accepted explanation however lies in discrimination by employers.

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The Report stated that labour legislations of Nigeria are non-discriminatory. Some of those legislations even have provisions to protect and safeguard the interest of women in employment. Sections 53 and 57 of the Labour Act 1974 provide for the security of women's employment during confinement. Accordingly, it was in the enforcement of this right that two cases were founded. One of the cases is that of *Ajiboye v. Dresser Nigeria Ltd.* In this case, the plaintiff, a confidential secretary employed by the Defendant company proceeded on maternity leave with the approval of the Company. But on resumption, her appointment was terminated, whereupon she sued the company and the Court found that she was in fact dismissed on account of her pregnancy and confinement. The dismissal was therefore held to be a breach of section 53 and of the Labour Act (which relates to maternity protection). Certain sections of the labour legislation seek to protect women from hazards.

Interpreted in practice, such sections are always applied to their disadvantage. In this wise, section 54 of the Labour Act 1974, prohibits the employment of women in night work in a mine, in any public or private undertaking or in agriculture. The result is that any job which involves night shift or working underground is denied to a woman with the result that in the industrial and manufacturing sector, promotion opportunities in particular areas of work for women are limited. Closely related to employment is the issue of taxation. Certainly, the tax legislation and tax administration policies are heavily weighted against women. A married woman is hardly ever given any free pay allowance. This is usually justified on the ground that men traditionally bear the responsibility of looking after the family financially. This is not always true as women's financial commitment have continued to increase. Women have responsibility not only to their nuclear family but also to their maiden families, not to mention the need to take care of themselves.

As already stated in the preceding sections of this paper, the principle of equality of all citizens is enshrined in the Nigerian Constitution. Nigeria has subscribed to all major international conventions on the status and conditions of employment of women. There is ample legal protection for women's right in Nigeria. In addition to the general guarantee of the right to freedom from discrimination, the Constitution states, *inter alia* as follows:

Social Objectives. 17.(1) The State shall direct its policy towards ensuring that – (a) all citizens without discrimination on any ground whatsoever have the opportunity for securing adequate means of livelihood as well as adequate opportunities to secure suitable employment; (b) conditions of work are just and humane; (c) there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever.

Consistent with the provisions of the Constitution, the public sector provides the impetus for equal employment opportunities for women. In the Nigerian public sector, appointment procedure and the general conditions of service are the same for men and women and apply equally in all public enterprises subject to minor modifications where necessary. Individual public enterprises do not take independent action in favour of or prejudicial to their women employees. Any action relating to the conditions of service of public enterprises employees must be within the broad guidelines provided by the Federal Government.

In the area of personnel policies (Governing recruitment, employment, promotion, etc.) public enterprises are governed by the Federal Government Civil Service Rules, as revised from time to time. The existing rules make specific provisions covering women employees, some of which rules can be interpreted as discrimination in reverse. Many of such rules relate to pregnancy and can be summarised as follows: Pregnant women employees are entitled to 3 months (six weeks before and six weeks after confinement) maternity leave with full pay – pregnant women employees are entitled to 3 months (six weeks before and six weeks after confinement) maternity leave with full pay – woman employee nursing a child is entitled to one hour off duty every day for six months with full

pay from the date of birth of the child – disciplinary action cannot be taken against a woman employee during her maternity leave.

It estimated that 60 percent of the labour force is employed in the public sector while 40 percent work in the private sector and that one out of every eight employees is female. (Federal Civil Service Manpower Statistics, Lagos, 1981). The statistics confirmed the dominant role of the public sector vis-a-vis the private sector. At both the Federal and State levels, women employees in public corporations account for 15 percent of all employees. The private sector has been reluctant to carry the heavy burden of high female employee ratio.

Highlighting on constraints, the Report noted that with the best of intentions on the part of Government, there are certain factors which militate against the employment of women about which government seems able to do very little. These factors include customary attitudes and beliefs, the attitude of employers and the issue of sexual harassment of women at work. Women who resist these advances are victimised. There is also some psychological resistance to female bosses. Women of child-bearing age are discriminated against due to absenteeism. Again, there is the issue of education. In the past, the male child was educated in preference to the female child because the male child would remain and perpetuate the family name while the girl was given out in marriage. Happily, these traditional and attitudinal barriers are gradually being broken down, giving way to a situation where all children male and female alike, are given equal educational opportunities. Girls and women now graduate in all areas which hitherto were the exclusive preserves of men. Women even participate in trade union leadership. There is a women's chapter of the Nigerian Labour Congress.

The Report responded to Article 12 of the Convention which calls on States Parties to take all appropriate measures to eliminate discrimination against women in the field of health care, in order to ensure for men and women equal access to health care services including those related to family planning. This article in addition calls on States Parties to ensure they provide appropriate services to women in connection with pregnancy, confinement and the post-natal period, granting free services where necessary as well as adequate nutrition during pregnancy and lactation. The Report referred to Section 17(3)(c) and (d) of the Constitution of the Federal Republic of Nigeria 1979 (which section relates to social objectives) which provides as follows: "The State shall direct its policy towards ensuring that (c) the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused; (d) there are adequate medical and health facilities for all persons."

In addition to that constitutional injunction, it pointed out that Nigeria subscribes to and holds dear the philosophy of the World Health Organisation's commitment to Health For All By The Year 2000 since that philosophy also holds that "peoples have the right and duty to participate individually or collectively in the planning and implementation of their health care including mass involvement of women, men and youth."

The goal of the National Health Care System is to pursue a mission aimed at providing a comprehensive health care system for preventive, protective restorative and rehabilitative services as a right of every citizen of the country. A review and appraisal of the progress made in these four areas (especially as they pertain to women) indicate that during the Decade and since the entry into force of the Convention in Nigeria, the Following programmes have been instituted or where they existed before, have been expanded and improved upon, that is to say: (a) Environmental Sanitation (b) Communicable Disease Control (c) Maternal Health Service (d) School Health Service (e) Child Health Service (f) Immunisation, especially the Expanded Programme on Immunisation (EPI); and the Oral Rehydration Therapy (ORT); (g) The Family Planning and Counselling Programme ; and (h) Public Health Care at the Grassroots.

The Report stressed that since the last year, concerted effort on the part of the Planned Parenthood Federation of Nigeria is noticeable to make people aware of the need for family planning. They are encouraged to have children because they need them and not just for the fun of doing so. There is public enlightenment campaign in this regard by way of radio and television jingles. Recently, the Federal Government announced its intention to ban men of and above the age of 60 years from having children. Again, some big-time employers have resorted to distributing condoms to their male employees. There is a family planning clinic virtually within the reach of everyone in the urban area, providing family planning services (pills and IUDS) at affordable prices. This aims at containing a threatening population explosion as well as improving the quality of life of the woman and consequently her family. There is no overt policy directive denying family planning services to unmarried women, even though certain sections of the society still frown deeply at pregnancy out of wedlock and this drives the unmarried pregnant woman to terminate same with the attendant risks.

According to the Report, data show that the total number of all health care delivery personnel and Institutions in Nigeria have greatly increased in number over the past decade. While the total current picture of Women and Health Development in Nigeria does not seem to have improved statistically, there is the feeling that some progress has been made. The infrastructures in terms of manpower and facilities continue to increase and the Government will provide Health for All by the Year 2,000 remains undaunted. In meeting this target however, great imagination will be needed to identify, analyse and find the benefits of the entry points of the Primary Health Care which is the backbone of Health for All by the Year 2000.

The role of women's organisations in assisting Government at her entry points should not be underrated. But perhaps more important is the machinery needed to transform and execute the Nation's Health Care programmes. In this regard, Soroptimist International of Lagos, the Inner Wheel Chapter of Lagos and Zonta International have taken it upon themselves to give monthly health talks to market women (traders) at the markets, as their grassroot efforts to all by the Year 2000. The talks usually focus on hypertension, (described as the silent killer), over-use of drugs, drunkenness, poor working habits, anxiety and fear. After each talk, the blood pressure of each woman present is taken and those with blood pressure problems are referred to hospitals for treatment.

On her part, government has mobilised and sent into the field all medical officers who until now were performing purely administrative office jobs. They are all now engaged in the prosecution of Government's health care policy at the grassroots. The Federal Ministry of Health has also, in demonstration of its sincerity of purpose, made a separate and specific budgetary allocation to women's health care needs in the 1985-86 fiscal year, particularly at the grassroots.

Article 13 enjoined States to take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in the following areas: (a) right to family benefits; (b) right to bank loans, mortgages and other forms of financial credit; (c) the right to participate in recreational activities, sports and all aspects of cultural life. Responding to this article, the Report admitted that in Nigeria, there is no organised or regular Government Scheme of family or social benefits. Accordingly, women cannot be singled out for any special or discriminatory treatment in this sphere of life. However, section 17 of the Constitution has laid the foundation for the elimination of discrimination whenever such a scheme is introduced, for the said section 17 provides as follows: "(1) The State social order is founded on Objectives and ideals of Freedom, Equality and Justice. (3) The State shall direct its policy towards ensuring that – (a) all citizens without discrimination on any ground whatsoever have the opportunity for securing adequate means of livelihood as well as adequate opportunities to secure suitable employment. (g) provision is made for public assistance in deserving cases or other conditions of need."

On access to credit, the Report noted that there is no apparent Government policy specifically in favour of women in the grant of credit. This is perhaps because commercial and merchant banks are private sector organisations that are simply profit oriented. They usually deal with their customers on their individual merit and credit worthiness. If a customer has a good credit standing, the fact that she is a woman does not work against her. It is recognised that women who are credit-worthy in their own rights are very few. Some smaller finance houses sometimes require that the consent of a woman's husband be obtained before she is granted a loan.

On women participation in sports, Section 17(3) of the 1979 Constitution (which concerns social objectives) provides as follows: (3) The State shall direct its policy towards ensuring that – (a) all citizens without discrimination on any ground whatsoever have the opportunity for securing adequate means of livelihood and that there are adequate facilities for leisure and for social, religious and cultural life." According the Report, this provision has found the fullest expression in Nigeria. Women are granted the same opportunity for participating in every imaginable kind of sports and to represent their schools, Local Governments, States and the country in those sports in which they excel- There are women wrestlers in Nigeria. There are female golfers and women field hockey players. Others play handball. Recently, female soccer was introduced into the country's sporting arena.

In the cultural arena, Nigerian women have a great deal of rhythm in them and this has been exploited to its fullest and to the country's pride. It is therefore stressed that in the field of sports and cultural affairs, Nigerian Women have with the tacit encouragement of the various Governments really come into their own. In relation to women in agriculture Article 14 of the Convention states that – 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetised sectors of the economy and shall take all appropriate measures to ensure the application of this Convention to women in the rural areas. 2. State Parties shall take measures to eliminate discrimination against women in rural areas and that they participate in and benefit from the right – (a) to participate in the elaboration and implementation of development planning at all levels; (b) to have access to adequate health care facilities, including counselling and services in family planning; (c) to benefit from social security; (d) to obtain all types of training and education, formal and non-formal, also functional literacy; (e) to organise self help groups and cooperative to enhance self employment; (f) to have access to agricultural credit loans and equal treatment in land and agrarian reform; (g) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity, water supply, transport and communications. According to the Report, about 70 percent of the Nigerian population are engaged in agriculture which provides the population with staple foods and industrial raw material for factories in Nigeria. Nigeria, like other African countries, has a large number of peasant farmers, who mostly live on the farm and depend on it for their daily bread, using outmoded methods and implements.

At present, agriculture accounts for just 5 percent of total exports. Growth in the agriculture sector has been slow, averaging 1 percent per year since 1970. As a result, the proportion of foodstuff which had to be imported rose from about 7 percent to 15 percent. There is, however, a brighter prospect for the agriculture sector as both the States and Federal Governments are determined to give it prime position in their budgetary allocations. The 4th development plan of the country (1981-85) set a target of 5 percent growth in the out-put of the agricultural sector. As stated in the Report, in Nigeria, rural women play a vital role in the production, preparation and distribution of food supplies, but until recently, past development plans and efforts did not recognise women's contribution in the agriculture sector. Most of the past national development plans did not include any programme for the effective training and participation of women in agricultural production, storage, marketing and processing of farm produce.

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It is against this background that the Home Economics Division of the Federal Ministry of Agriculture and Rural Development are scattered all over the country. The operational arm of the Department of Agriculture and Rural Development is the National Advisory Committee on Home Economics (NACHE) and the States Home Economics Advisory Committees. The National Advisory Committee formulates programmes and provides overall national guidance while the State Committees adapt and execute the programmes in accordance with their respective needs.

In the selection of projects, emphasis has been placed on highly visible projects and investments which have the potential for immediate results or reward, the report stated. A Multi-Purpose centres project, established in 1981, was designed to provide a teaching and support centre for extension services to rural women. These centres have been constructed in the rural areas of 7 States in the Federation. It is hoped that the project will eventually be extended to all the 21 States making up the Federation of Nigeria. The centres are equipped with the following facilities – (a) Day-care centres to support working rural women; (b) Home Economics Laboratory for demonstration and workshops; (c) Rural Technology Unit; and (d) Co-operative shop for display of craft on completion and workshop for training.

Each multipurpose centre is administered by the local community to serve that community and surrounding areas. It was reported that rural women in Nigeria have not benefited from modern technology because such technology are either too expensive or too complex. The Rural Technology Project aims at assisting rural women to effectively cope with their various tasks by introducing low-cost simple technology applicable to their situation. These are termed "Resource Cells" or agencies liaising with other Federal Department and institutions, especially University Research Institutes to develop rural or village technology. These technologies serve to reduce the drudgery in many household chores, facilitate food production, preservation, processing and prevent post-harvest food losses.

On extension services to rural women farmers, the report noted that the Home Economics Division has participated in programmes directed at the formation of viable rural women's groups and by providing financial and technical support for the execution of programmes embarked upon by such groups. The overall objective of the programme is to improve the women's income-generating and decision-making skills. It further noted that the mobile home economics units are indispensable extension service with their complements of audio-visual equipment, electricity generating sets and kitchen utensil for field demonstrations on varieties of food preparation from indigenous food items. This Unit, manned by an extension staff is loaned free on request to State Governments for extension demonstration and for audio visual purposes.

One of the problems of extension services to rural families especially to rural women is the shortage of trained personnel who would live and work among rural families. Women leaders and Home Improvement volunteers are grassroot workers because they have the greatest contact with the target group. Unfortunately, they are few in number and most of them have not received any formal training. The Home Economics Department has assisted in funding and providing technical assistance in collaboration with relevant State Ministries on the training of rural women leaders and home improvement volunteers in various States of the Federation.

As part of the efforts of the Federal Government of Nigeria to discover new uses for local food resources, a composite bread bakery has taken off in Lagos and when fully established, this project will be extended on small-scale basis to the other 20 States of the Federation. This project is designed to use flour of grains grown in Nigeria to supplement imported wheat flour. Thus, it is expected that there will be a reduction in wheat flour importation and a consequent save on.

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The Report highlights that although Nigerian Agricultural Policy neither discriminates against women nor makes any special intervention on their behalf, the Federal Government is aware of the significant role that women play in agriculture and rural development, hence the initiation of the projects listed above. The Government is similarly aware of the constraints to the achievement of the National Policy on Agriculture which constraints include – (a) the activities of other sectors of the economy which have depressed, rather than complemented the agricultural sector; (b) inadequacy of necessary agricultural inputs; (c) inadequacy of supporting physical infrastructure such as feeder-roads, storage and marketing facilities. In some localities these facilities are lacking; (d) a major constraint is the quality of labour that is engaged in agricultural production.

The problems highlighted above are clearly noticeable in Government's present efforts to improve the performance of the agricultural sector; and the Agricultural Development Programme of the Government is designed to eliminate the problems. As stated in the Report, the main objectives of Nigeria's agricultural development are to achieve rapid increase in food production with the attainment of a high percentage growth rate and, achievement of self-sufficiency in food by 1985 and the evolution of appropriate institutions to facilitate the realisation of the country's agricultural potentials. Experience has shown that despite Government's direct production efforts, peasant farmers still produce about 80 percent of the country's production output. It is therefore expedient that Government should assist them in a big way to maximise their production.

The emphasis now is a shift in development strategy in favour of the small-holder farmer. Government therefore now lays great emphasis on the provision of production inputs to farmers and the general improvement of the rural areas and the overall rural development through the establishment of agro-based industries, construction of feeder roads, provision of housing, educational and health facilities, water and electricity in the rural areas in order to improve the quality of rural life. This new approach tagged, "Integrated Rural Development", is the crux of the strategy for Agricultural Development in Nigeria.

The Integrated Rural Development approach would in the main be implemented through programmes called the Agricultural Development Projects (ADP) and the Accelerated Development Area Programme (ADA) as well as through the activities of the various River Basin Development Authorities. The newly established Directorate of Food, Roads and Rural Infrastructure is to co-ordinate the activities of the various Rural Development Bodies towards a systematic and uniform rural development programme.

Finally, it is the policy of Government that the River Basin Development Authorities should participate directly in the development of irrigation schemes for the benefit of the small farmers and for the enhancement of potable water supply to the rural areas. It is also the policy of government to resettle and pay adequate compensation to those displaced by Government irrigation projects. This compensation covers loss of crop and property.

In addition to the foregoing a Directorate was set up to cater exclusively for the interests of the rural population of this country. As its name suggests, its main function is to encourage by means of money and agricultural inputs, the increase in production of staple foods and grains, construction and rehabilitation of feeder roads for the effective evacuation of farm produce. It is also charged with the responsibility of constructing and rehabilitating small-scale facilities like oil palm presses, impartation of basic skills in farm produce preservation, production of potable water and construction of dams for irrigation. Electrification of rural areas is also included in the Directorate's portfolio. It is hoped that with the realisation of the objectives for setting up the Directorate, the tedium of rural life will be ameliorated and the drift to urban areas will thereby be stemmed.

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Article 15 on civil capacity enjoins States Parties to accord to women equality with men before the law and accord to women equality in civil matters and legal rights with men before the law. The article calls on States to abrogate all private instruments which restrict the rights of women. It further calls on States Parties to accord to men and women the same right to choose their residence and domicile. Even before the launching of the International Decade for Women, successive Nigerian Governments have been committed to building an egalitarian society where every Nigerian, irrespective of age, sex or creed enjoys equal rights, and the benefits and opportunities enshrined in the Constitution.

The Report pointed out that Nigeria's social development policies and programmes have always been directed at the improvement of the quality of the life of the individual, irrespective of sex. Section 17 of the Constitution, among other things provides that – (1) The State social order is objectives founded on ideals of Freedom, Equality and Justice. (2) In furtherance of the social order – (a) every citizen shall have equality of rights, obligations and opportunities before the law; (b) the sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced." With the signing and ratification by Nigeria in June 1985 of the Convention on Elimination of All Forms of Discrimination Against Women, Nigeria has become even more determined to remove obstacles which impede the participation of women in full National development efforts.

The Report noted that except under customary law which varies from place to place, women's rights in Nigeria to own property is not legislatively hampered. Under customary law, a woman has no right to her husband's property or income except the right to support. Under section 70 of the Matrimonial Causes Act 1970, a wife of a monogamous marriage who is in a better financial position than her husband, could be ordered, upon the dissolution of the marriage, to maintain him and the court will order financial relief in favour of the husband. In all customary law systems, the wife has no right to her husband's estate when the marriage is terminated by divorce.

Article 16 enjoins States Parties to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular, to ensure on a basis of equality of men and women: (a) the same right to enter into marriage; (b) the same right to freely choose a spouse and to enter into marriage only with their free and full consent; (c) the same rights and responsibilities during marriage and at its dissolution; (d) the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children – the interests of children being paramount; (e) the same rights to decide freely and responsibly the number and spacing of their children and access to the information, education and means to exercise those rights; (f) the same right and responsibilities with respect to guardianship, wardship, trusteeship and adaption of children, or similar institutions where these concepts exist in national legislation, the interests of children being always paramount; (g) the same personal right as husband and wife, including the right to choose a family name, a profession and an occupation; (h) the same rights for both spouses in respect of the ownership, acquisition, management and administration and disposition of property. (i) The betrothal and marriage of a child shall have no legal effect and all necessary action shall be taken to specify a minimum age for marriage; and to make registration of marriages in an official registry compulsory.

Responding, the Report noted that in Nigeria, there is a multiplicity of marriage patterns depending on ethnic or religious grouping. Marriage is therefore considered essential to the completeness of an adult man or woman, with the result that unmarried adults are looked upon as incomplete, immature and often not responsible. The marriage types recognised in Nigeria are the monogamous, that is, marriage conducted in accordance with the Marriage Act, a mixture of religious marriage and statutory marriage; marriage under the customary law; and marriage under the Islamic Religion.

Accordingly, Nigeria falls into the class of countries in which customary, religious and civil law marriages operate side by side. This plurality arises because of Nigeria's colonial association with Britain, and the Marriage Act (Cap 115) is patterned after the English Marriage Act. The form of marriage to be conducted in respect of any person is a question of personal choice. However, one notices great mobility on the part of men in the sphere of marriage in spite of the existing law of bigamy, (an offence committed by superimposing the customary form of marriage upon a statutory form of marriage or vice versa with a different "bride"). Pure polygamy, that is the marriage of several wives all under customary or Islamic religious law, is legal and recognised. What is not recognised or permitted by law is the admixture of the three forms with two or more different women.

Women have been conditioned that as mothers and wives, it is their primary responsibility to preserve the family at all costs. No degree of suffering should warrant the need for court intervention. Customary law and usage have encouraged this attitude by such provisions that make a woman's adultery (but not a man's) grounds for divorce. Again, in traditional society, a woman is treated as a chattel, to be bought and sold, discarded at will, inherited and disposed of with other property upon the death of her husband and without her consent. It is believed that a lot of injustice is perpetrated because many women are unaware of their rights and the few who are aware do not know how to protect such rights. In Nigeria, many legal rights are made unenforceable by customary and traditional practices. It is therefore necessary to make women appreciate their legal rights and the structural impediments to the enjoyment of those rights.

To redress these ills, a pilot legal project on Family Law has been set up by the Nigerian Institute of Advanced Legal Studies. Inter alia, the Pilot Family Law Project aims at imparting the knowledge of their family law rights to women and having done so, it aims at ensuring the opening of awareness for the enjoyment of those rights. The thrust of the project is to make women themselves feel the need for change and understand such necessity and so make them both collectively and individually participate in programmes directed at effecting those changes. The Report stressed the need to codify the various customary marriage and religious marriage laws in order to secure more fully the sanctity of the family unit. It stated that the National Council of Women's Societies is already doing that through its law and status of Women Committee.

As stated in the Report, except under customary law which varies from place to place, women's rights in Nigeria to own property is not legislatively hampered. All State Governments in Nigeria treat married women as unmarried for the purpose of allocation of land and Government built low-cost houses. Under customary law, a woman has no right to her husband's property or income except the right to support. But under section 70 of the Matrimonial Causes Act 1970, a wife of a monogamous marriage who is in a better financial position than her husband, has a duty, upon the dissolution of the marriage, to maintain him and the court will order financial relief in favour of the husband. In all customary law systems, the wife has no right to her husband's estate when the marriage is terminated by divorce.

The Report highlighted the concerted effort on the part of the Planned Parenthood Federation of Nigeria to make people aware of the need for family planning. People are encouraged to have children because they need them and not just for the fun of doing so. As already stated, the Federal Government recently announced its intention to ban men of and above the age of 60 years from having children while some big-time employers have resorted to distributing condoms to their male employees. There is a family planning clinic virtually within the reach of everyone in the urban are, giving family planning services (pills and IUDS) at affordable prices.

This aims at containing a threatening population explosion as well as improving the quality of life of the woman and consequently her family. There is no overt policy directive denying family planning

services to unmarried women, even though certain sections of the society still frown deeply at pregnancy out of wedlock, and this drives the unmarried pregnant woman to terminate same despite the attendant risks.

Adoption of children by childless couples, single, parents or purely on humanitarian considerations is yet not a widely accepted concept. However, in the Southern States, there are adoption laws under which persons who are considered fit and proper may adopt children who are either abandoned or born by women or girls who are ill-prepared to raise them. Priority is given to childless couples even though single or unmarried women are known to adopt children. The law itself does not discriminate but one notices that the discretion of the administrative officer in charge counts a great deal.

The Report concluded that Nigerian women have come a long way from the shackles of tradition where even parents were almost ashamed at the birth of a female child. Nigerian women have made their marks in many occupations. The laws of Nigeria have given adequate protection to the rights of women in the society, including their rights to equal educational opportunities and employment. The Nigerian woman has not always enjoyed equal rights with their men but in the last few years, attempts have been made to give redress. Many obstacles have been in the way. In spite of suffrage and the constitutional provisions guaranteeing equal rights, women are still far from fully securing them.

The public sector enterprises have provided the impetus which has shot Nigerian women to their present height on the labour scene. In the private sector, one notices that only women outside the childbearing age are accorded recognition or appointed to senior management positions. Though women have competed favourably with men in the quality of their contribution to national development in public and private enterprises through their employed positions, they still lag far behind the men in numbers. The achievement of the full potentials of Nigerian women requires continuous co-ordinated efforts and the commitment of government, the public and private sector enterprises, as well as the women themselves.

9.2 Concluding Observations on Nigeria's Initial Report

The Committee considered the initial report of Nigeria at its 123rd and 126th meetings, held on 29 February and 2 March 1988. Its report is reproduced in the following paragraphs. The Committee thanked the representative for the introduction of Nigeria's initial report and commended the Government's frankness and self-critical approach. It was clear that the Government had made a sincere effort in complying with the Convention's articles as well as beginning the process of change in spite of the many obstacles encountered. Experts recognised the complexity of the Nigerian situation, a country with vast human and natural resources, the largest in Africa, and with cultural and traditional diversities which made the setting of new social and economic standards extremely delicate and difficult.

On legislative and judicial processes to the implementation of the Convention, the Committee noted that much was accomplished in the legislative process but suggested that discriminatory legislation still existed. The experts further noted that One could not just wait and expect change to happen, but that attitudes would only change with education campaigns and educational programmes, as was in fact recognised in the report.

The fact that Nigeria had ratified the Convention without any reservation meant that women's full integration in society remained a priority for the Government. This was proved by the Constitution which guaranteed equality before the law. But it was asked whether laws specifically drafted to protect women against discrimination were under elaboration. Questions were raised on how the Convention was used at the national level, whether it could be invoked in court, and how national legislation interwove with stipulations of the Convention.

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The Committee also asked what action had been taken to identify those practices and customs mentioned in the report that were detrimental to women, including circumcision, early pregnancies and polygamy. Experts recognised that different kinds of customs, traditions and practices made the changes envisaged by the Government extremely difficult. Regarding the introduction of temporary special measures to benefit women, the Government had taken steps in the field of education and employment and the Committee wished to know whether these measures would not be maintained, whether quotas had been established, for instance to accelerate women's integration into male-dominated areas.

Other questions related to special laws punishing rape and violence against women, laws establishing equality in marriage and divorce, steps taken to modify gender roles and stereotyping. However, the Committee expressed astonishment over the statement that the issue of paternity leave would not arise in Nigeria. Experts requested that more information be provided in the second report regarding action taken with reference to Article 5, since this was an area that required special attention in Nigeria.

The Committee also requested additional information on the incidence of prostitution and on measures to rehabilitate women who engaged in this practice. It noted that prostitution was not illegal and that therefore it was not considered a crime under the law. It remarked that in order for women to exercise their full political rights, an awareness campaign had to be launched, which involved not only the individual's education on rights, but also her perception of herself. In this regard, it asked what the Government had thought about this area of self-perception, what women's organisations had proposed, and whether there were any plans or pilot projects being considered. It also asked whether the concern of women to match legislative provisions with de facto equality was of the same concern to the Federal Government.

It was noted that few Nigerian women were active in politics and government but that more women were entering legal careers. Half the members of the federal Government were from the military, which indicated that in practice there was a quota in favour of men. The Committee was asked whether there were any plans to ensure that half of the government would consist of women. It also requested for additional statistics on the composition by sex of federal and state government employees. On nationality laws, the Committee requested for additional information since it was stated that alien women who so wished could assume their husband's nationality, which reflected that woman had a lower status than men. It also asked whether any steps were being taken to eliminate such discrimination.

The report established that Article 18 of the Constitution guaranteed free education at the primary level of school only and it was asked what changes had occurred since then, what was the present percentage of illiterate population by sex, and what changes at the graduate and undergraduate levels had occurred since 1977. The Committee requested that the second report to be submitted should have more detailed information and statistics regarding education. Regarding employment, the report asked whether there existed any protective legislation measures related to women, such as prohibition of night-work, and whether there were any plans to revise them. The report had mentioned that employment of women by the private sector was low because women represented a heavy burden to them, and clarification was requested on whether this heavy burden referred to maternity leave provisions or other factors.

Labour segregation between women's and men's jobs seemed to be a problem, even in the public sector, and additional statistics were requested. In addition, it was asked how the principle of equal pay for equal work contained in the Constitution was enforced in practice, and whether the equal pay for work of equal value had also been adopted. The Committee commended the report for being candid about many aspects of discriminatory practices of employment and also about sexual

harassment. More information was requested on retirement age for both sexes, unemployment rates and social security provisions. No information had been provided on self-employed women and it was asked what the laws were protecting pensions in the informal sector, which in Africa consisted mostly of women entrepreneurs.

General questions were raised regarding provisions for health care of women, specifically prenatal and postnatal care. It was also asked whether there was any specific official population policy in Nigeria and whether abortion was legal. It was asked whether the Government had established family planning programmes and whether it had established such a policy nationally. A number of questions were raised regarding the assertion that women were imposed heavier taxation on their earnings than men. The Committee sought clarification on this provision and further asked what revisions were envisaged of the taxation law in order that it would not be discriminatory to women.

It also requested more information on women's participation in the cultural life of the country. Members of the Committee were aware that there were Nigerian women artists and intellectuals but no mention of them had been found in the report. The rights of women to own property, and access to credit facilities had not been clearly spelt out in the report therefore the Committee requested additional information. Generally, it also found it surprising that more information had not been provided on the situation of rural women, their role in traditional farms, their participation in cooperative and irrigation schemes, and government assistance to small farmers. It was asked what provisions were there to protect the women farmers upon retirement, and whether they have access to pension and social security or their other provisions existed that might have been overlooked by the report.

More information was requested on the number of women who lived under customary law and the number of marriages concluded under customary law; information in this respect was especially important, the Committee remarked, in regard to the multiplicity of marriage patterns and the relationship between Nigerian courts and the practice of customary laws. The Committee expressed shock at the notion mentioned in the report that unmarried adults were considered immature, incomplete and not responsible and asked whether that was still a preponderant notion. It also found several discrepancies in the laws governing divorce where adultery by the wife was sufficient for separation, whereas adultery by the husband was not.

The pilot legal project on family law which had been set up by the Nigerian Institute of Advanced Legal Studies was commended. This exercise, the Committee agreed, was fruitful and needed, and it was hoped that many of the existing discrepancies affected both men and women in the present family law would be revised in order to comply with the Convention. It was also asked whether the Government had plans to create a family court. Other questions were asked regarding the term "pure polygamy", and whether the planned reduction in bride price meant that bride price would not be abolished in customary law marriages. It was also asked how many girls there were under 16 years and how many of them were mothers. The Committee observed that it seemed that women were discriminated against with regard to adultery as a ground for divorce in customary law, and asked how women themselves reacted to marriages other than statutory marriages.

The Committee thanked the representative once more for the courageous steps taken in ratifying the Convention and for presenting the first report with honesty and openness. It also remarked that the report was very lucid in its exposition of the obstacles encountered and this was a first step in eliminating them.

9.3 Nigeria's Reply to Questions Raised

Before replying to the questions raised, the representative of the Government thanked the Committee for the kind comments made by its members and said that the second-period report

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would provide replies to the questions that could not be answered immediately and would also contain further statistical data. Regarding the repetitions in the report, which she regretted, she stated that the time frame for giving additional information was too short and did not allow for presenting an elaborate document. The Government of Nigeria stated that any law or directive that was inconsistent with the Constitution was null and void, and if a directive was contradictory to the Convention, the person that was discriminated against could institute court action. Administrative directives had no legal force. Campaigns were being launched by government agencies to make women aware of their rights in many fields in order to incite them to take legal action, if necessary.

The National Committee on Women and Development was allocated adequate financial resources in the 1988 budget, and its members received annual remuneration like members of other government bodies. While the representative did not have any information on intentions of the Government to set up a Ministry of Women's Affairs, she said that plans existed to create a Directorate or perhaps a National Commission on Women Affairs. Presently, the Permanent Secretary was a woman. The representative stated that the report to the Committee under Article 18 of the Convention had been circulated to the various States and non-governmental organisations and the additional information, contained in CEDAW/C/5/ Add.49/Amend.1, was presently being printed and would equally be disseminated across the country.

Concerning the issue of unequal taxes for women and men, she explained that the reason for the heavier tax burden on women was to be seen in the heavier financial loads carried by men as heads of household; but, she said, that such a view was rapidly changing. Women had launched strong campaigns against the system and a seminar was being organised to draw attention to the disparity. It was already possible for single or married women who could produce evidence of being heads of households to obtain tax relief. But the goal was for women to obtain the same tax relief as men.

The representative said that there was at least one woman commissioner in each of the 21 States and in some States, there were more than one. In the country, women's groups discussed women's issues through the media and men have started to realise that women were a necessary factor in national development. She also stated that no temporary special measures existed to give women equal opportunity. The Government had started enlightenment campaigns on the negative effects of some of the traditional practices. But the breaking of deep-rooted traditions constituted a slow process. The representative said that female circumcision was widespread in the south, but the practice was, however, slowly dying because people presently realised the health risks involved.

She said that violence in the family was condemned under the provisions of the Constitution; it was both frowned upon and also sometimes accepted as necessary. Cruelty was a ground for divorce, and rape was considered as an offence. The incidence of sexual harassment was difficult to report on as women did not readily report on its occurrence. School education also incorporated moral education, but no educational programmes had been set up for prostitutes.

The representative said that women had fully participated in political activity since 1970. Women currently participated actively in the local government elections as voters and as candidates. She said that enlightenment programmes were currently being conducted to inform women of their political rights and one of the members of the national electoral committee was a woman. Women were also represented at the government level. The 1988 International Women's Day celebration was organised by the Ministry of Social Development and women's non-governmental organisations. Women were currently also joining the military service. There was a cordial and cooperative relationship between the National Council of Women's Societies, non-governmental organisations and the Bureau, and non-governmental organisations formed pressure groups to influence the policy of the Government.

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It was said that dual citizenship was not acceptable in Nigeria and discrimination in the transfer of citizenship still continued. On the other hand, girls and boys had equal access to school education, and in some States, girls outnumbered boys in primary and secondary schools. The reason for the big number of girls enrolled in law studies was not known. She said that the national education programmes were trying to arouse interest in female education in technical fields. No statistics on the illiteracy rate were available. She noted that no changes in the protective legislation concerning the ban on women's night work were foreseen yet. Although self-employed women were not protected by labour laws and young women working in the private sector were not so welcome because of possible absenteeism related to health problems and child care, women could be found in any type of profession, she said. The principle of equal pay for equal work was accepted, but no statistics were available to show the wage differentials between women and men in the private sector.

The retirement age for women and men was 55 years and leave entitlements were equal for persons of either sex. However, no paternity leave existed as yet, but sufficient domestic help was available. Women were also members of trade unions and there was a women's wing in the Nigerian Labour Congress. Also, abortion was not generally permitted, but it was allowed if the life of the mother was in danger or following recommendation given by a doctor. Attempts to legalise abortion were resisted by the churches and by women themselves. The average female life expectancy was between 54 and 60 years, and more women lived in rural areas and more men in urban areas.

The representative further said that rural women did not have pension rights, but they were protected by the strong extended family system. Family planning services were available to them. Traditions and customs were an obstacle to women's access to credit facilities, but women formed co-operatives to have more easily access to credit. Land ownership was possible for women in some parts of the country. Similarly, special training courses existed for rural women, and by trying to raise the consciousness of women in rural areas the authorities in the country were trying to raise the consciousness of the Nigerian society. She revealed that women excelled in the cultural field, where they gained international fame. Women were also widely represented in trade and commerce.

The representative showed understanding for the difficulties some Committee members had in trying to understand the three-fold Nigerian marriage pattern. She emphasised that only a mixture of the three patterns was illegal. No statistics on the different categories of marriage were available. She said that adultery committed by woman constituted a ground for divorce, whereas an adultery committed by a man had no legal consequences, as it was claimed that men were polygamous by nature. The official age for marriage was 16 years for girls and 16-17 years for boys. No statistics were available on the number of marriages below the age of 16 and on the number of teenage pregnancies. However, a high-level committee had been set up by the responsible Ministry in order to deal with the problems related to early marriages and teenage pregnancies. She explained that early marriages were a safe guaranty against pregnancies out of wedlock and that unmarried women were frowned upon because it was thought that they were either immoral or not good enough to be married. She also said that polygamy was mostly accessible only to rich men as the husband had the legal obligation to provide equal economic conditions to all wives.

The representative explained that dowry had originally to be paid by the man to indicate his capability to support the wife financially; later it had to be paid to reimburse the parents of the wife for the education provided to the girl. As a result of a strong protest by women's groups, the amount of the dowry was being reduced to becoming a mere token. She indicated the reasons for divorce and said that legal aid centres were accessible to men and women. No plans existed as yet to set up family courts. The experts appreciated the replies given. Further comments referred to the issues of female circumcision, a practice on which the experts advised that it was most important for the Government

to take the necessary steps to eliminate because they foresaw severe punishments. In what way had women's organisations shown protest over this, they also asked. Questions were raised as to whether it was planned to eliminate the existing discrimination as regards acquisition and transfer of citizenship. More information was sought on the food self-sufficiency programme of 1985 and on land ownership questions related to the new irrigation scheme. Other questions revolved round whether the Government was planning to unify the various marriage patterns, whether it was legally prohibited for a girl who had barely reached puberty to get married and whether women's organisations protested against polygamy.

The Government representative explained that vigorous campaigns were being mounted against female circumcision and efforts were being made to enlighten women on the health risks involved for their daughters. Protests were also being launched by women's groups against polygamy. However, the opinion of women themselves was mixed. Some fought against it and others thought it was better to be one of several wives than not to be married at all. As regards the question of land ownership, the representative said that in Nigeria the paternal system prevailed; in some parts of the country women did not own the land they were working, but they were allowed to sell the crops.⁵⁵

9.4 Nigeria's Second and Third Periodic Reports

Nigeria submitted a combined Second and Third Periodic Reports in September of 1996. According to the State party, the Report continued from where the Initial Report stopped. It highlighted and gave an overview of the progress made and obstacles encountered in the status of women in each of the articles of the Convention, since the submission and consideration of the Initial Report, particularly in the first four years thereafter ending in 1990 and the subsequent four years ending in 1994. In addition, it addressed and answered the concern of the diverse recommendations and suggestions made since the date of the initial report, as well as those made before that date which were not addressed in that report. Finally, the report answered as far as was possible many of the questions raised by the Committee during the consideration of Nigerian's initial report.

According to the report, the Federal Republic of Nigeria is one of the largest countries in Africa covering an area of 923,768 square Kilometres and being as well one of Africa's most populous countries with a population of 88,514,501 per the 1991 National Census with women being 43,969,970 representing 49.68% and men numbering 44,544,531 representing 50.32%. The report said that Nigeria is one of the most endowed countries in Africa, with abundant land, water and human resources. The heterogenous society that makes the Nigerian Nation, together speak 250 languages peculiar to the multifarious ethnic groups. Notwithstanding the vast population, Nigeria is united by history, culture, national aspirations and developmental goals.

The report also said that Nigeria has an autonomous Federal Capital Territory –Abuja – and comprises a Federal Government and 35 territorial states. It was under a Military Government, which was assiduously pursuing a measured transition programme that would hand over power to a democratically elected civilian Government during the last quarter of 1998. The timetable for this political transition programme was being implemented with the enactment of a new Constitution, the lifting of the ban on party politics, the registration of five grassroots political parties, the conduct of elections into local government councils on non-political party basis in March 1996 and on political basis in December 1996. Elections into state legislatures and of State Governors would take place in December 1997. In the interim, the current Military Government was said to be pursuing a committed and well-

⁵⁵https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjIncfGs-j6AhULRFEDHWI7C5QQFnoECCcQAQ&url=http%3A%2F%2Fwww.bayefsky.com%2Fhtml%2Fnigeria_t4_cedaw.php&usg=AOvVaw3Xuz4c_fDdG7WBYLpdK5qB – Accessed 10/18/2022

designed programme of Democratisation. Elections at the Local Government, State Gubernatorial and Presidential levels had been carefully mapped out.

The report presented general legal, social, economic and political framework within which Nigeria approached the elimination of discrimination against women within the meaning of the Convention. The Second and Third Periodic Report remarked that Nigeria is a Federation of thirty-five States and Abuja the Federal Capital Territory, and that under the new Constitution, Abuja is a Mayoralty. The report chronicled Nigeria's constitutional development, starting from the Richards Constitution of 1946 to the 1979 Constitution modelled after the American Presidential System. The 1979 Constitution provided for a House of Representatives and a Senate at the Centre and Houses of Assembly in the States. The head of Government at the Centre was the President assisted by the Vice-President, while in the States, the Government was headed by the Governor and assisted by the Deputy Governor.

The report revealed that since the submission of the Initial Report, the Country had taken great strides towards the return of the country to a democratically elected Government. Two new States were created in 1987 and 7 new States created in August 1991 and five more created in October 1996, bringing the number of States from 21 in the Initial Report to 35 as at date of filing the second and third periodic reports. In addition, in a bid to bring government nearer to the people at the grassroot, the number of local governments was increased from 449 to 589 in 1991 and in 1996 a further 183 local governments were created.

As reported, the status of the Nigerian woman *de jure* is on the face of it, enviable. The Nigerian woman had moved away from the stage of agitating for equal rights with men under the law because no discriminatory laws against her existed in the statute books of the country. The Constitution of the Federal Republic of Nigeria 1979, for the first time in the history of constitution making in Nigeria, guaranteed rights on a basis of equality between men and women and by the same token removed discrimination on the basis, amongst other factors, of sex. By Section 39, the 1979 Constitution guaranteed full equality between men and women with regard to their rights, obligations and benefits. Sections 17(1) and Sections 33-36 were also cited in this regard. The Constitution also provided the instrument for the enforcement of those rights and obligations.

In addition, Section 15(2) of the 1979 Constitution provided as follows: "National Integration shall be actively encouraged whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association shall be prohibited". Many similar provisions existed both in 1979 Constitution and in several other legislations. However, there was still the need to enact a separate municipal legislation under Section 12 of the 1979 Constitution as amended to give force of law to the provisions of the Convention. That way, the Convention will automatically become justifiable *per se*. That is to say, that the Convention will then be applied by the Courts in Nigeria, and its provisions could be pleaded in Court to buttress any claim to any fundamental rights or alleging the infringement of such right guaranteed under the Constitution. In this regard, section 13 of the 1979 Constitution enjoined all organs of government, all authorities and persons, exercising legislative, executive or judicial powers to conform, to observe and to apply the provisions of Chapter 2 of the 1979 Constitution which encapsulated Sections 13-22.

The said chapter 2 of the 1979 Constitution made provision for the political objectives (section 15); Economic objectives (section 16); Social objectives (section 17), Educational objectives (section 18) and the National Ethnic. The total effect of the Directive Principles of State Policy (sections 13-22) of the Constitution was to capture the general intendment of the

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Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The *de jure* provisions had clearly set a favourable scenario in which the attainment of *de facto* equality could thrive. Subsequent sections of the Report attested to that.

Concerning the implementation or enforcement of the legal rights guaranteed, section 42 of the 1979 Constitution provides that any person who alleges that any of his fundamental rights "has been, is being or is Likely to be contravened" is free to apply to the High Court with jurisdiction in the area where the contravention occurred for appropriate redress. Note that a person who merely believes that any person is acting in a manner likely to occasion a breach of fundamental rights in respect to him may apply in anticipation of such breach to the appropriate High Court to forestall the actual commission of the anticipated breach. There was therefore the full Constitutional guarantee of redress in any 'proven case of an actual breach or a perceived apprehension of an imminent breach of a guaranteed right'.

The report stressed that the Constitution of the Federal Republic of Nigeria, as then amended or modified was the supreme law of the land and any law that was in any wise inconsistent with any of the provisions of the Constitution shall, to the extent of the inconsistency be void. As asserted in the report, the real problem was that Nigerians, both men and women were generally tardy about litigation. They choose what could generally fall into the classification of Alternative Dispute Resolution.

As contained in the report, with a view to rationalising Nigeria's law and bringing same in line with the general intendment of the Convention, the Attorney-General of the Federation organised a National Seminar on the 24th - 26th October, 1989, where he said – "In response to the widely-held view that there was need to correct the anomalies, imbalances and prejudices in our laws relating to women and children... and to consider the issue of Better Protection for women and children under the law, with a view of making proposals for reform... because in our male-oriented society, women and children appear to suffer legal and social disabilities by the mere fact of their sex or status,"

The seminar, according to the report, raised and considered many issues, particularly those concerning social disability, and discrimination against women; and concluded that having regard to the fact that discrimination was ingrained in our culture, and attitudes, the Seminar was pleased with the fact of identifying the areas of discrimination; and the need to change some of the attitudes; and that law could be a potent instrument in that change.

As a follow-up action, the Honourable Attorney-General, in 1989, empanelled a very carefully chosen Committee, the National Committee on women and Children headed by a Judge to review the whole gamut of the law relating to women and children and bring the same into conformity with the CEDAW Convention and the United Nations Convention on the Rights of the Child. The Committee, as reported, had completed its work and the Government would soon take action on its recommendations with the possible enactment of the proposed Law on the Status and Rights. Legislations to the benefit of women had since the consideration of the Initial Report been passed. The legislation which would be addressed under the appropriate head of this Report, include the National Commission on Women Decree, and the Women Education Decree to mention just a few.

It was remarked in the report that all over the world, the role of women in National Development was determined by the socio-cultural environment of such society. Society's perception of women determined their status and place as well as the extent of their participation in nation building. In the traditional African society, "the place of the women was in the kitchen". Having been so perceived women were relegated to the background and

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stereotyped in certain roles. This stereotyped role of women was drummed into and accepted by women from childhood. The traditional role of a woman was a baby factory. Sooner or later, she was expected to raise children. Women's contribution to National Development was in the area of child bearing. Women were, by custom, regarded as useful only for service at home and on farms.

The report went further to say that, in Nigeria, as elsewhere in Africa, society had traditionally placed a high premium on the birth of male children. The preference for male children still lingered on in Nigeria, even among the highly educated middle-class families. Pervasive and entrenched attitudes die hard. In such a society, women were to be seen, if seen at all, but not heard. Brought up in such an environment, women were traditionally docile, subservient and powerless. The long history of international contact with European traders, missionaries and explorers and the eventual colonisation by Britain gradually introduced Western cultural values including religion and education to Nigeria. This association happily changed the face of things for the Nigerian woman.

Even before the launching of the International Decade for Women, successive Nigerian Governments have been committed to building an egalitarian society where every Nigerian, irrespective of age, sex or creed enjoys equal rights, the benefits and opportunities enshrined in the Constitution. Nigeria's social development policies and programmes have always been directed at the improvement of the equality of life of the individual, irrespective of sex.

It was also reported that with the signing and ratification by Nigeria, in June 1985, of the Convention on the Elimination of All Forms of Discrimination Against Women, Nigeria became even more determined to remove those obstacles which impeded the participation of women in full National Development efforts. Nigerian women on their own part, are set to examine more critically their roles to see how they have rather by default contributed to the relatively slow pace of their progress. As part of the Forward-Looking Strategies for the Advancement of Women, a National Commission for Women was established in 1969. This was subsequently upgraded into a full-fledged Ministry with a Woman as the cabinet minister and Chief Executive Officer.

This subsequently increased national awareness on women issues thereby encouraging the formation of many NGOs shaping the right of women, as contained in the Constitution. Many programmes of Women in Development since the consideration of the Initial Report, have shown the requisite political will to eliminate discrimination and to secure for women on a basis of equality, all rights. According to report, Nigerian women have generally come a long way from the shackles of tradition, where parents were almost ashamed at the birth of a female child. The constitution and many laws of the land have given adequate statute-based protection to the rights of women in society, including their rights to equal educational opportunities and employment.

However, in spite of the de jure protection of women, there are still no enforcement laws that offer her succour when she is discriminated against by customs, attitudes and discriminatory religious practices. Administrative directives have also had great impact on the lives of women; but at times directly derogate from the good intention of certain legislations. As an example, notwithstanding that there is no law that precludes a woman from standing as a surety for a suspect or a person standing trial, the practice has gained great currency with the Nigerian police, who preclude women as sureties, ostensibly to shield them from the unpleasant consequence of the suspect 'jumping bail'*. With the direction of the Attorney-General of the Federation and the direct instruction of the Inspector-General of Police, now women who meet the conditions set for bail, are on an equal basis with men, allowed to stand surety for a suspect. Women equally bear any consequence and risk arising from such activity. Happily, the Courts are vested with full authority to review any

administrative action that is contrary to the Constitution or any law and to reverse such action as illegal and void.

The report further asserted that of equal or even greater importance, is the issue of women's perception of themselves, their goals and their expectations. For whatever legislation is enacted, whatever social reforms are effected, only an enlightened woman who understands herself knows her principles, her duties and the means to demand, and enforce the same, can ever hope to reap the benefits conferred by the Constitution and the Convention. The report emphasised that to reap the benefits envisaged by the Convention, it is recognised that the issue of tradition, customs, attitudes, religion, illiteracy and poverty should always be in perspective, for it soon becomes obvious that any assault on discrimination should not just be upon the legal, but also upon the foregoing "extra-legal" factors.

Regarding the government's implementation of Articles 1 and 2 of the Convention, Nigeria reported that the Constitution of the Federal Republic of Nigeria 1979 was the Supreme Law (the basic law) and in section 39, the Constitution guaranteed to women protection from discrimination based on sex. To buttress this, the Report cited Section 39 of the Constitution as follows: (1) A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion, shall not by reason only that he is such a person – (a) be subjected either expressly by, or in the practical application of any law in force in Nigeria or any executive or administrative action of the government to disabilities or restrictions which citizens of Nigeria of other communities, ethnic groups, place of origin, sex, religion or political opinions are not made subject; or (b) be accorded either expressly by or in the practical application of any law in force in Nigeria or any such administrative or executive action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions. (2) No citizens of Nigeria shall be subjected to any 'disability or deprivation merely by reason of the circumstances of his birth'.

It was emphasised, that notwithstanding, that the Nigerian Constitution used the term "Discrimination based on sex" rather than "discrimination against women", as in the text of Article 1 of the Convention, there was no controversy that the relevant sections where that construction was used respectively seeks to protect women from discrimination merely on account of the fact that they are women. This was so because, Nigeria being as male-oriented as it was, no man had ever seriously raised the issue that he was being discriminated against. As cited in the report, the constitution in Sections 15(2) and 39(1) and (21) which were acclaimed to be a milestone for Nigerian womanhood were inserted to cure that imbalance. Earlier Constitutions did not mention "sex" in connection with discrimination. The equality of right similarly guaranteed under the fundamental objectives in Section 13-22 of the Constitution, protects all women irrespective of their marital status and other considerations. In this regard, the Constitution provided as follows: "Accordingly, national integration shall be actively encouraged whilst discrimination on the grounds of place of origin, sex, religion, status or linguistic association or ties shall be prohibited."

Since the submission and the consideration of the initial report, a committee, the National Committee on Women and Children has been set up with the aim of a comprehensive review of all the laws in force and recommend appropriate amendment in line with the rights guaranteed by the Convention. That committee has since submitted to the Federal Government its report together with a Draft Law on the rights of women. It is hoped that the government will soon take action that leads to the promulgation of the Decree into law. The proposed law is far reaching, touching on all the aspects covered by the Convention.

In addition, the draft legislation clearly defines the phrase, "discrimination against women". It also imposes penal sanction to punish acts of discrimination based on sex. It is hoped that the legislation would have been passed by the time of the 4th Periodic Report, and the provisions of legislation will be elaborated in that report. Also, during the periodic under review, in view of the mounting complaints of sexual harassment in schools, the Federal Government set up the National Committee on Sexual Harassment, to examine the issue and make recommendations. That Committee also, has completed its work and submitted its report. Government will similarly come out with a law to protect girls and women from sexual harassment at school and at the workplace.

Apart from the nascent laws mentioned above, the Criminal Code as well as other relevant legislation protected women against rape (Section 357 of the Criminal Code and Section 282 of the Penal Code), indecent assault (Section 360 of the Criminal Code and section 268 of the Penal Code), assault occasioning bodily harm. Other laws passed and policy directives issued since the consideration of the Initial Report included the Women Education Act which sought to correct the imbalance between boys and girls, in the educational sector, the Health Policy, the Agricultural Policy and the National Policy on culture.

To further implement the provisions of the Convention in Nigeria, the report said that the Federal Government set up a committee known as the National Committee on the Elimination of All Forms of Discrimination Against Women. This Committee amongst other things was charged with ensuring the collation, preparation and submission of Nigeria's Periodic Report, making recommendations on policies and implementation modalities as related to the Convention and the monitoring and assessing the level of implementation of the Convention. The Health Policy, Agricultural Policy and the National Policy on Culture were also passed.

On the status of implementation of Article 3, the report asserted that the legal status of the Nigerian woman is, on the face of it enviable. The Nigerian woman, it declared, had gone beyond the stage of agitating for equal rights with her menfolk because hardly any discriminatory laws against her existed in the statute books of the country. The constitution of the Federal Republic of Nigeria 1979 not only guaranteed full equality between men and women with regard to their rights, obligations and benefits, but also specifically prohibits discrimination on the ground of sex and provided the instrument for the enforcement of those rights and obligations. As citizens, women were entitled to all the fundamental human rights guaranteed in the Constitution and could often challenge in court any attempt by any person to interfere with the exercise of any of those rights.

Admittedly, since December 1983, Nigeria had been under Military rule. But the Federal Military Government had done nothing to alter the favourable position of women before the law, as envisaged by the 1979 Constitution. As a matter of fact, it was a policy of Government that at least one woman be included in all the cabinets of the then 19 State Governments. Nigeria's report also stated that the Federal Military Government had appointed several female Permanent Secretaries, a Deputy Inspector-General of Police, Assistant Inspector-General and several female Commissioners of Police. There were female deputy Governors in Lagos, Kaduna and Cross River States. Many women won elections as Chairpersons and into Local Government Councils in the Local Government elections of 1996. The report considered the Policy of Government to select at least one woman as a Commissioner (Cabinet Minister) as laudable, considering that it was the first of such directive in the history of Nigeria and it became the spring-board of many high-level appointments for women.

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The report emphasised that all laws were applicable with equal force to the entire populace, men and women alike. Legislative provisions were, unfortunately not always attached with adequate enforcement measures. However, an active National Committee on the Convention on the Elimination of Discrimination Against women was set up to monitor implementation of the provisions of the convention. The National Human Rights Commissions was established to deal with all matters relating to the protection of human rights; monitor and investigate all human rights violations and assist victims as well as seek redress and remedies on their behalf. There was in addition the free Legal Aid Services for women provided by the Federal Ministry of Women Affairs and Social Development.

According to the report, the application of certain laws, bureaucratic directives and decisions, coupled with ingrained attitudes, behaviours and customs had worked to install practices the combined effect of which was to discriminate against women and abridge their legal rights and access to otherwise commonly owned resources. This in turn prevented the full participation of women in the enjoyment of the commonly-owned benefit – economic, political and social development processes – an effect which could not have been intended by the legislature. In this regard any discriminatory administrative directive which was contrary to the Constitution or any written law was to be reversed by a Court of competent jurisdiction as being of no effect.

The report made reference to a question that came up during the consideration of Nigeria's initial report, where it was asked whether there was a law that addressed the issue of prostitution. The answer given was that the existing legislation does not address the issues of prostitution as such, yet the provisions are far-reaching enough particularly in the protection of young girls between the ages of 13 and 16 years. The issue of prostitution had as yet not attained the levels of a "tourist sex industry". It was believed that existing provisions in the Criminal and Penal Codes were sufficient to address the sporadic occurrence of procurement and detention with a view to prostitution. Penalty ranged from 7 years to life imprisonment. The offence attracted an aggravated sentence if the victim was a minor.

Notwithstanding the absence of specific law-making prostitution an offence, the report said that in practice the police and law enforcement agents often raided brothels and other known operational bases of prostitutes. They were often arrested and sometimes taken to Court and perhaps charged with soliciting or wandering or constituting a public nuisance or with obscene behaviour and punished as provided by law.

On temporary special measures, affirmative actions to accelerate equality between men and women, the periodic report from the Government of Nigeria asserted that Nigerian women had become exposed to equal opportunities as their menfolk and had proved competent to creditably discharge the functions assigned to them. It remarked that the trend followed by Nigeria to stop the marginalisation of women was part of a global awakening to the benefits of emancipation of women in National Development. The up-grading of the National Commission for Women to a full-fledged Ministry for Women Affairs and Social Development was cited as giving credence to the policy on womanhood as promoted by the Nigerian government which had, apart from carrying out the provisions of its Constitution and the National Commission for Women Decree, strongly encouraged the Interrelationship of women world-wide. This culminated in the sponsoring of a large number of Nigerian women to the World Conference on Women (organised by the United Nations in Beijing China in 1995).

The measures adopted was not to be regarded as a discrimination against men but would be discontinued when objectives of equality of opportunity and treatment have been

achieved. In this regard, any reverse discriminatory measures in the maternity sphere, should in no way be regarded as discrimination. The essence of Article 4 being that State Parties should make special effort to integrate women into all spheres of life from which they had hitherto been excluded.

According to the report, temporary measures adopted by the Nigerian Government to integrate women in all areas covered by the Covenant, in terms of Article 4 since the submission and consideration of the Initial Report were as follows: (a) A national committee on the issue of female circumcision was set up and as a result, massive public enlightenment campaign was set up in the media, in churches, in ante and post-natal clinics and child welfare clinics, to educate women particularly rural and illiterate women on the harmful effects of Female Genital Mutilation. The draft Children's Decree made Female Genital Mutilation an offence.

Also, there was a proposed law on Female Genital Mutilation Unit of Federal Ministry of Women Affairs and Social Development and NGOs like Inter-African Committee on Harmful Traditional Practices were embarking on education on Female Genital Mutilation (FGM), early marriage, VVF, etc. (b) The Women Education Programme and the Federal, State and Local Government Women Education Committees had also mounted enlightenment campaigns on the advantages of women education and the sad effects of early marriages and school dropouts in females. In some parts of the country, tuition was free for girls and more exclusively girls' schools had been established and some were still being established. (c) Concerning polygamy, the practice still thrived. However, as women and girls became more educated and economically viable, the practice would gradually fall into disuse. Sustained enlightenment campaign in the areas averted to above would continue.

The report also remarked that under the Criminal Code of Nigeria, there were extensive provisions collectively referred to as offences against morality, against those who encouraged the prostitution of women and girls under 16 years, against those who allowed persons under 16 to be in brothels, those who procured, persons who trade in prostitution (illegal traffic), those who keep brothels, unlawful detention with intent to defile or defilement and the detention of persons in brothel.

In the area of education, the report pointed to the Women Education Programme which aimed at achieving a 30% female school enrolment by the year 2000. In this wise, in addition to 22 co-educational secondary schools established by the Federal Government, there were also 22 secondary schools across the country for girls only. There was only one Federal Secondary School in the country (Kings College Lagos). To achieve the goals of Article 4, the National Women Education Programme was assiduously pursuing programmes aimed at measuring the enrolment of girls and women in formal and non-formal educational institutions, vis-a-vis boys. The aim of the Blue-print on Women Education Programme in Nigeria which was adopted in 1987 by the National Council of Education was to accord women several concessions in order to increase their participation in the country's educational process. The concessions included free education, establishment of special schools for girls, lower cut-off points for admission into secondary schools, and legislation to discourage the withdrawal of girls from school; etc.

It was emphasised that the main thrust of the Women Education Programme was that by 1992, literacy level would have risen from 5.4 to 30% since 12 women would be trained annually to be self-reliant by basic literacy and functional training in the 13 Women Educational Centres existing in each State. In the first year of the existence of the Women Education Programme, female primary school enrolment rose to 56% in 1987, up from 55.96 in 1984/85. Also, female secondary school enrolment rose to 42.2% in 1987 up from 7.2 % in 1975/76. The programme was adjudged a resounding success. As reported, from available statistics by the Federal Office

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of Statistics for 1996, the female literacy level was 41%. Female school enrolment had risen from 56% in 1987 to 63% in 1993 for Primary School; and from 42.2% in 1987 to 67.96 in 1993 in Secondary School. For University enrolment it was 27.96 in 1990 (Vide statistics in Article 10 on education).

In the field of employment into decision-making positions, it was reported that the Federal Government had pursued a deliberate policy aimed at up-lifting the status of women. In the Senior Management Cadre in the Public Sector, the figure had risen to 17.6% in 1992 as against 8.996% in 1988. Finally, it was highlighted that the foregoing and the massive enlightenment campaign to awaken women to their rights in the diverse areas covered by the Convention had worked to improve women's lot by recourse to Article 4 of the Convention.

With regards to implementation of Article 5 of the Convention, it was reported that the Federal Government, in pursuance of its programme of national mobilisation, self-reliance, re-orientation, integration and economic recovery through the use of culture and its components, launched the National Cultural Policy whose aims and objectives included the following: (i) Evolving a national culture and promoting an educational system that motivates and stimulates creativity and draws largely from our traditional values, namely: respect for humanity and human dignity, for legitimate authority and the dignity of labour, and respect for positive Nigerian moral and religious values; (ii) Promoting creativity in the fields of arts, science and technology, ensuring the continuity of traditional skills and sports and their progressive updating to serve modern development needs as our contribution to world growth of culture and ideas; (iii) establishing a moral society, enhancing the quality of life, producing responsible citizenship and enhancing nation's self-sufficiency.

It was noted that although, the National Policy on Culture made no overt references to a national effort at elimination of discrimination against women, the provisions as far as they were aimed at uplifting the lot and lives of the people did imply this. Organisations which served towards the realisation of these objectives included the national Council for Arts and Culture (NCAAC), the National Commission for Museums and Monuments (NCMM), the Centre for Black and African Arts and Civilisation (CBAAC) and the National Institute for Cultural Orientation (NICO). Others were the Nigerian Film Corporation, the Nigerian Copyright Commission, and the National Film and Video Censors Board (NFVCB).

It was asserted that whilst some of these sought to evolve and promote cultural objectives listed above, others such as the Nigerian Copyright Commission, the Nigerian Press Council and the National Film and Video Censors Board were committed towards the monitoring of the communication and cultural sectors with a view to ensuring that only uplifting material which was socially and morally acceptable were disseminated for public consumption. The report also mentioned that the commitment towards redeeming the status of women particularly with regard to sex role stereotyping and prejudice in the media was of major concern. For example, the National Film and Video Censors Board registered, censored and classified both locally produced and foreign works, in order to determine their suitability and moral contents, and eliminate the distribution and dissemination of obscene or lewd works. The organisation registered distributors, production studies, importers and exporters of film and video works, and licences video clubs. It also regulated and controlled cinematographic exhibitions and performed other function as prescribed by decree No. 85 of 1993.

The Cultural Policy provided that adequate attention and coverage on radio and television must be given to children, public service and cultural programmes, and television stations must produce at least 80 percent of their programme content locally. In addition, government was committed to ensuring that there was judicious balance between local and foreign broadcast

materials and to promoting easy accessibility of electronic communication sets to Nigerians. The report also cited the establishment of the National Orientation Agency (NOA) by Decree No. 100 of 23 August 1993, with its functions including amongst others to: (a) Energise the conscience of both men and women to their rights and privileges, responsibilities and obligations as citizens of Nigeria; (b) Propagate and promote the spirit of dignity of labour, honesty and commitment to qualitative production, promotion and consumption of home-produced commodities and services.

Like the Family Support Programme, State and Local Government arms of the NOA had been established and they worked towards the identification of development activities which could be jointly promoted, financed and organised in order to "establish social institutions and framework for deliberate exposure of Nigerians to democratic norms and values for a virtuous, peaceful, united progressive and disciplined society", to develop among Nigerians of all ages and sex, social and cultural values, an awareness which would inculcate the spirit of self-discipline and self-reliance", and "encourage informal education through public enlightenment activities and publications".

According to the report, a substantial percentage of Nigerians lived in the rural areas and most of them were women and activities by organisations such as these would serve to increase awareness amongst women, of events around them and sensitise them towards involvement in activities which would break the bonds of isolation and underutilisation. The National Cultural Policy stipulated those crafts should be adequately identified, preserved, promoted and developed. Other national programmes aimed at the enhancement of the status of the artist/craftsman and at encouraging the adaptation of traditional design and craft to the needs and requirement of modern times.

The report emphasised that the encouragement of the establishment of craft villages, shops, and training facilities which were normal preserves of the rural areas in general, and a traditional occupation for women specifically, was envisaged to help promote self-sufficiency and self-worth. This was because it was recognised that women played an important role in the handing down of craft activities, especially as they usually functioned through trade and craft cooperatives.

It was highlighted that Nigeria is a country steeped in tradition in certain parts of it. In the purely traditional society, the woman was subjugated in marriage, in divorce and in widowhood. However, with greater education and with Government's positive and supportive attitude, things had somewhat changed for the educated women but the rural traditional woman was yet to reap these benefits. In addition, the report noted that happily, these odious and dehumanising practices and prejudices which in the past were actually fueled and legalised by statutes, had been redressed by the 1979 Constitution, viz: - Section 31 of the 1979 Constitution provided – Right to dignity of the Human Person: "Every person is entitled to respect for his human person and accordingly – (a) no person shall be subjected to torture or to degrading or inhuman treatment." The report noted that attitudes die hard. Therefore, the complete eradication or "deprogramming" of these cultural attitudes, prejudices and unconstitutional customary practices must necessarily be a slow process. Hopefully, as the society became more educated and enlightened, the practices would wither and finally die off.

The report recognised that the Nigerian women were not simply sitting idly by and hoping that those odious customs were washed away. They mounted enlightenment campaigns to abolish most of the odious practices in widowhood and organised seminars to educate women who mostly were the planners, executors and curators of the inhuman widowhood rituals on fellow women. At a

widowhood practices workshop organised in 1999, the main aim was to draw attention to the plight of widows in the traditional milieu of the Nigerian Society – an area of social and legal discrimination against women hitherto neglected. In addition, with a view to eliminating sex stereotypes, the National Council on Education adopted the 6-3-3-4 (6 years Primary, 3 years junior secondary, 3 years senior secondary and 4 years university) system of education, with boys and girls undergoing exactly the same syllabus. Both girls and boys studied domestic science and needlework courses as well as woodwork and technical/mechanical subjects.

On women's self-worth, with the introduction of many aspects of Better Life for Rural Women and the Family Support Programmes, functional literacy and education, simple farming implements provision, formation of co-operatives, both rural women and the urban poor women were encouraged to re-assess themselves to become more economically viable and in order to lead a better and more fulfilled life. With regard to the laws punishing rape and violence against women, the report cited Section 357 of the Criminal Code (Cap 77 Laws of Federation 1990) which defined the offence of rape as – Definition 357.: "Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear or harm, or means of false and fraudulent representation as to the nature of the act, or in the case of a married woman, of impersonating her husband, is guilty of an offence called rape."

Punishment for rape – 358 "Any person who commits the offence of rape is liable to imprisonment for life, with or without caning". Accordingly, it was asserted that the laws of Nigeria view the offence of rape with utmost seriousness and disgust. Unfortunately, the records of rape offences were not available. However, it is a fact that although there were sporadic instances of deviant men committing rape, the offence had not attained endemic proportions. What was more noticeable was better described as "defilement", where male sexually abused children left to their charge; or where adult persons abused children. That offence was viewed with greater revulsion and was visited with unmitigated punishment. The report drew attention to the fact that from the provisions of Section 357, it was obvious that statutorily, spousal rape was not an offence in Nigeria. In fact, it was usually an exception to the offence of rape.

In a traditional setting, spousal rape was inconceivable. Under Nigerian Laws in both Section 357 of the Criminal Code and Section 282 of the Penal Code, a husband cannot be charged with marital rape. Once the marriage is subsisting and the wife has attained puberty then any sexual intercourse with her is never a rape. It was remarked that there was no law that specifically protected a woman against violence per se. However, Section 252 of the Criminal Code provides that "A person who strikes, touches or moves, or otherwise applies force of any kind to the person of another, either directly or indirectly without his consent, if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his consent is said to assault that other person." The term "applies force" includes the case of applying heat, light, electrical force, gas odour or any other substance or thing whatsoever, if applied in such a degree as to cause injury or personal discomfort.

Again, there was no immediate record of the prevalence of violence against women within the home. This was because women hardly reported violence to the police for fear of reprisal from both the husband and the wider family. In addition, the law enforcement agents did not readily entertain complaints of domestic violence. They treated such complaints as the minor offense

of "two fighting" or laugh it off as "husband and wife problem". Women preferred to settle such issues by the alternative dispute resolution at the family forum. Concerning shelter for battered women, none existed for the reason that such shelters would not be patronised for fear of disgracing both her maiden family and her married family.

While conceding that domestic violence existed (perhaps to endemic proportions), the report stated that until the women were motivated to report their domestic quarrels, the Court would not be energised to intervene. The International Federation of Women Lawyers (FIDA) Nigeria had set up a legal clinic to educate women on their rights. The Federal Ministry of Women Affairs and Social Development had similarly set up a Legal Aid Clinic and Legal Education Programmes etc., to enlighten women and help relieve such complaints. Nigeria's report also noted that Article 3.5(b) of the Covenant invites States to ensure that family education includes a proper understanding of maternity as a social function. Accordingly, the Women Education Programme incorporated as one of its policy objectives, *inter alia*, awakening consciousness of all women to the need for the Development of a positive self image.

Concerning the youth, a pilot Youth Scheme had been installed. The programme was designed for female Senior Secondary School Leavers to take care of the transitory period between secondary and tertiary education. It touched on training in all aspect of family life. In addition, the national awareness campaign for the Women Education Programme had commenced at the State and Local Government levels to dislodge the long ingrained belief that education was irrelevant to women, whose vocation in life was mainly marriage and child bearing. The campaign was aimed at parents, the general public and women in particular. First launched in 1992 in Lagos, the programme was and has since been launched at State and Local Government levels to educate the populace at the grassroots.

The report maintained that Nigeria, as a member of the Organisation of African Unity (OAU) is a signatory to the common African Information and Communication Policy and had established a National Policy on Communication as well as a National Cultural Policy. In recognition of the changing orders in these sectors, national policies were geared towards establishing and sustaining regional self-reliance which would strengthen existing institutions, intensify and motivate training of personnel and update capabilities and competence, reduce misrepresentations and misconceptions in the sectors, and integrate projects for the development of communication and cultural infrastructure, institutions and human resources.

The cardinal national policy objectives of the electronic media comprising video, television, Film, Communication satellite, computer and telephone were to, among others: (a) disseminate information to enhance the welfare of the people of all aspects of life, (b) provide an efficient broadcasting service to the entire people based on national objectives and aspirations, and the need to improve the quality of life; and (c.) structure the broadcast of its educational programme and the curriculum schedules on the provisions of the National Policy on Education. The policy, it was reported, authorises the establishment of over one hundred thousand (100,000) viewing and listening centres to ensure free flow of communication. The policy further encourages the combined use of traditional and modern means of communication and the use of indigenous forms and modes to communicate new realities and new possibilities especially to the rural more traditional-oriented masses of the population.

To this end, the Town Crier and similar systems in the village structure are to be equipped with modern instruments of communication for greater reach and better effect while various clubs and societies based in the rural or local government areas are encouraged as much as possible to use the community-based media as outlets for their creativities. The National Policy on

Communication also provided for private ownership of electronic media which are to be regulated by the Private Broadcasting Decree. It also provided for the right to publish books, and the co-existence of government and private newspapers with neither side enjoying a monopoly. Thus, it established regulation against monopoly to prevent the misuse of the print media by a few rich and powerful individuals or groups of Nigerians. In addition, it was a medium for raising levels of consciousness necessary for full participation in national programmes.

The media, the report noted, was one of the few professions in Nigeria where there was little discrimination against women. This stemmed from the fact that educational and training opportunities at all levels were opened to both sexes so long as they could overcome handicaps such as funding, cultural and social restrictions caused by traditional expectations of what the roles and responsibilities of the various sexes were. In addition, it was remarked that although truly comprehensive registers had never been compiled by the various professional bodies, women had held important and relevant positions in the media and continued to do so. The levels to which they "could rise however, were not commensurate with their numerical strength and years of service at the upper echelons remained in the control of the opposite sex." Average percentage of women employed in the media is about 40%, but these were mainly in the lower cadres. There was no clear cut obstacle preventing women from moving up the ladder. Promotion was gradual and depended much on individual competence, hard work and qualification.

It remarked that although, it may be argued that a major reason for the absence of women in the upper echelons of the communication industry was the high intellectual capabilities needed for holding down these types of jobs. In addition to being time consuming, competitive, result-oriented and demanding of high levels of dedication and competence, note must be taken of the similarity between the professionally productive years (25 - 40) and the sexually productive span of the woman's life. Quite often she found herself, just at the time when she should be paying attention to establishing a good hold on the upper rungs of the professional ladder, being forced to divert her attention in order to concentrate more on the more socially acceptable job of home-making and child rearing.

Cited in the report is the fact that at the National Institute of Public Relations (NIPR), women constituted 18.5% of the total registered members; 25% of whom were full members and 14% were graduate and affiliate members. Compared with records in more advanced countries, the impression may be given that the Nigerian woman had not achieved much in the march towards the elimination of discrimination against women in the professional field. However, much could be seen to have been achieved when one remembers that these developments occurred in the country within a short time frame of about fifty years. Nigeria attained independence in 1960 and moved from an agricultural and subsistence economy into a modern and multi-faceted one in the few decades that followed.

Other obstacles which stood in the way of self-actualisation were cultural and traditional handicaps which must first be overcome in order to get a good education. The National Policy on Education ensured that there was no discrimination against females at all levels. In fact, provisions were in place in certain areas to ensure that not only were females encouraged to get a good education but that parents and guardians were motivated to send them to school and keep them there.

On Article 6, i.e., trafficking and prostitution of women, the report submitted by the Nigerian Government stated that existent Nigerian law, in the main, punished the exploitation of prostitutes. It did not make prostitution *per se* an offence. Under the Criminal and Penal Codes of Nigeria, there were extensive provisions to proceed against those who encouraged the

prostitution of girls under 16 years, against those who allowed persons under 16 to be in brothels, those who procured, persons who traded in prostitution (illegal traffic, those who kept brothels, unlawful detention with intent to defile or defilement and detention in brothel).

The report also noted that except for the fact that the existing legislation did not address the issue of prostitution per se, the provisions in the Criminal and Penal Codes of Nigeria were far-reaching enough particularly in the protection of young girls from the odious practice of trafficking and exploitation. Notwithstanding that there was no specific law-making prostitution an offence, in practice one noticed that the police and law enforcement agents often raided brothels and other known operational bases of prostitutes. They were often arrested and sometimes taken to court, perhaps charged with soliciting or wandering and punishment as provided by law. Punishment under this section could be up to 3 years in prison.

The Nigerian Criminal laws therefore did not only penalise the prostitute; but also penalised the procurers, traffickers, and their patrons. Furthermore, the National Committee set up to review existing laws discriminatory against women did address the issue of prostitution and made recommendations to Government. As a commitment, the Nigerian Government sent a high-powered delegation headed by the Honourable Minister of Women Affairs, Ambassador Judith Attah to the Stockholm Congress on Commercial Sexual Exploitation of Children held on 27 to 31 August 1996. The Nigerian Government had in collaboration with various embassies been monitoring issuance of visas to intending travellers as a preventive measure on trafficking in women.

In furtherance of efforts to provide viable livelihood to widows, Government established a Widowhood Scheme to train widows in income generating skills in order to discourage them from going into prostitution. It was hoped that the 4th Periodic Report would report on action taken in this wise. As aptly stated in the report, though enough prostitution existed, as practiced by "street walkers", it had not attained epidemic proportions. It was on the increase in view of the harsh economic scenario. However, existing laws were still sufficient to cope. There were no organised brothels sanctioned by the State or "X-rated vacation eros centres" in the country. In addition, the syndrome of "mail-order brides" was unknown in Nigeria. There was no large concentration of foreign single male military populations within the nation's borders at that moment. Accordingly, prostitution had not drastically increased since the Initial Report.

At the time of submitting the report, no measures were specifically set up to rehabilitate women engaged in prostitution. This was mainly because the women concerned carried out the trade surreptitiously or nocturnally. It was usually difficult to find out who they were and where they lived since brothels had continued to decrease as a result of constant harassment by law enforcement agents. However, there were many functional education programmes under the Women Education Programme and similar programmes in which women engaged in prostitution could be retrained if they so desired.

Responding to Article 7 (on the political rights of women in Nigeria), the report remarked that until the new Constitution was enacted in 1979, a large section of women in the vast Northern parts of the country were denied political rights. This state of affairs was actually entrenched in the earlier Constitutions. The 1979 Constitution, for first time, included the provision that no person should be discriminated against on the basis of sex, or political opinion. In this regard, section 37 of the Constitution provided: "Every person shall be entitled to assemble freely and associate with other persons, and in particular, he may form or belong to any political party". Accordingly, the right of all citizens of Nigeria, regardless of sex, to run for office and indeed to form political parties and associations was guaranteed by the Constitution, subject to certain statutory or constitutional restrictions which applied equally to men and women. Over the years,

as women became more exposed to education and experienced in the professions, more women started offering themselves for elective offices and political appointments.

Successive military administrative governments upheld the tradition of appointing at least one woman into Cabinet and Boards of Statutory Corporations. Statistics revealed that between 1987 to 1990, an increasing number of women were appointed to top level positions and held political appointments to decision-making posts. These included 93 State Commissioners, Directors-General, 3 Deputy Governors, 2 Vice-Chancellors, and 5 secretaries to State Governments. As reported, historically, in the pre-colonial days, women played key actual roles in politics. Specifically, women played a laudable role in the fight for independence. For example, two women, Mrs. Margaret Ekpo and Mrs. Olufunmilayo Ransome-Kuti, were in the Nigerian delegation to the Constitutional talks in London in 1949.

The same woman Mrs. Margaret Ekpo was also in the 1954 Constitutional talks in London. She also spearheaded the Aba riots of 1929, protesting against colonial exploitation and excessive taxation by the British colonial masters. The 1929 "women's war" was cited as a classic example of the women's heroic defence of community or national interests. There were many other women, like Queen Amina of Zazzau, Queen Idia of Benin, Moremi of Yoruba land and Princess Inikpi of Igalaland who all played prominent roles in the history of their people. Also in Nigeria folklore, were Osun, Oya, Yemoja, Owan, Ohamiri, Woyengi and others who were all female deities. These mythical women were believed to have once lived and were very prominent in the making of their respective communities.

However, it was to be noted that in the post-colonial era, women appeared to have lost all their political teeth of the pre-colonial era. Many factors were responsible for the apparent low response of women to active elective office politics, irrespective of their numerical advantage. Some of the main reasons women shunned active political participation included cultural, economic, biological and psychological factors. It was remarked in the report that politics being a dirty game, Women were discouraged from it by the foul language, the smear-campaigns and the unfair public X-ray of their past or present private lives. In addition, despite the effort of government to de-emphasise money in politics, politics still spoke the language of money; and very few women had that kind of money.

In 1995, preparatory to the transition programme, the First Lady of the Federal Republic of Nigeria, took a bold step of bringing women politicians together from 13 -14 December to discuss and prepare to launch into the political terrain. After this meeting, the Women in Politics Forum was strengthened – a move approved and encouraged by the Federal Ministry of Women Affairs and Social Development. The Honourable Minister had followed up by campaigning with women politicians and attending election campaigns. The report went on to mention that in Nigeria, there were about 69 newspapers and weekly magazines, and 34 radio and television stations. The mass media therefore played a vital role in campaigns and politics. But as media advertisements in the cost a lot of money, many women did not have sufficient money to make extensive and effective use of the media.

With the foregoing formidable obstacles in their way, women had been unable to radically respond to partisan politics for elective positions. Despite women's numerous advantages, women's performance in the December, 1991 election was far from impressive. For the Gubernatorial primary elections, each of the 2 parties presented 4 women, but None of the 4 women progressed beyond the primaries. Of the 453 Local Government Chairmanship positions, women won only 16. At the end of the elections, women jointly occupied only 20% of the posts in the committees of the 2 political parties, the National Republican Convention (NRC) and the Social Democratic Party (SPD). In the March, 1996 Local Government Zero Party elections, 9 female Chairmen were

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elected and 84 female Councillors were also elected. The report highlighted the fact that Political activity in the ongoing transition programme was still in its infancy, so it was not possible to forecast how women would perform that time around.

In response to Article 8 which focused on women in the international arena, the report stated that there was no conscious discrimination against women in this regard. Nigerian delegations to international conferences often included women who were conversant with the workings of the organisation concerned or with the topics of the agenda. The number of women representing Nigeria was steadily increasing since the Initial Report. Worthy of note is the fact that 4 female ambassadors were appointed to represent Nigeria abroad. The Director-General in the Ministry of External Affairs was a woman and the erstwhile Executive Secretary of the West African Women's Association – a female career diplomat – join the growing list of women in notable posts in Nigeria. In addition, Nigeria was represented on the Committee on the Elimination of Discrimination Against Women, (CEDAW); the International Research and Training Institute for the Advancement of Women; and the Commission on the Status of Women.

In line with General Recommendation 8 of the Committee on the Elimination of Discrimination Against Women, women were given equal opportunity to represent the country on international organisations and were members of delegations to international meetings. These are in addition to the 784 women in the Nigerian Foreign Service as at June 1996, representing one-third of the total staff of the Ministry of Foreign Affairs. Concerning the political will of the government to fully integrate women into the development process by appointing women to decision-making posts, the report quoted the declaration by a President of the Federal Republic of Nigeria that "The development of the Nation will be carried out in partnership with the women, and no one gender will be seen as the senior or junior partner in the relationship."

The report further emphasised that women were being encouraged to initiate actions that would complement and integrate women into the decision-making and leadership cadre of society. At the 4th World Conference in Beijing in 1995, Her Excellency, The First Lady of Nigeria, Mrs. Maryam Sani Abacha called on the United Nations to organise a world conference on peace. That call prompted the African First Ladies and some parliamentarians present at the World Conference in Beijing to mandate the First Lady, Her Excellency, Mrs. Maryam Sani Abacha to launch the African Peace Mission. The First Lady's effort in this regard, it was remarked, awakened the roles women played and were seen to play in conflict resolution and dialogue especially in war-torn zones within the continent. As part of the First Lady's efforts, the First ECOWAS Summit of the First Ladies 'of the sub-region held from 26 - 27 July 1996 to address the issue of African Peace.

Activities on Peace Mission were being rigorously pursued and monitored by the Liaison Office in Abuja. This was under the direct supervision of the First Lady, Her Excellency, Mrs. Sani Abacha. Women's performance in politics was noted as still sluggish particularly in the elective posts. However, they were fairing a little better in the appointive or selective posts. Until 1991, the Director-General of the Ministry of Foreign Affairs was a woman. At the time of submitting the report, there were 3 female Ministers in the Federal Executive Council, two of whom were junior Ministers. The report remarked that a lot still remained to be done and with increasing education, it was hoped that the number of women on the international scene would continue to rise with time. In the public service, women had done well. They had attained the post of judges, Directors-General, Principals of Schools, and Heads of Extra-Ministerial Agencies. They had also done well in the private sector.

Relating to Article 9 which centred on nationality and citizenship rights of women, it was reported that in Nigeria, no discrimination of any kind existed against women under the 1979

Constitution in relation to citizenship or nationality rights. There was no distinction between a person who claimed it from his father, mother or indeed from any of his grandparents. However, under sections 24 and 25 of the Constitution, while an alien woman married to a Nigerian man could apply for and obtain Nigerian Citizenship by registration or naturalisation, an alien man married to a Nigerian woman did not have any such corresponding privilege. In addition, an alien woman, married to a Nigerian man who did not wish to renounce her citizenship of birth in favour of the Nigerian citizenship may under regulations made pursuant to Section 29 of that Constitution, be granted special immigrant status with full residence rights. The report further pointed to the fact that Nigerian law recognised dual citizenship. However, no foreigner could acquire Nigerian citizenship by registration or naturalisation unless he first renounced the citizenship of his/her former country. It should be noted that a Nigerian woman married to an alien did not merely by that marriage forfeit her Nigerian citizenship; but she would so forfeit it if she took steps to acquire full citizenship status of that other country or to renounce her Nigerian citizenship.

According to the report, the domicile of a married woman under Nigerian law was determined by the Matrimonial Causes Act 1970, Section 2(2) of which constituted Nigeria into one single jurisdiction for the purposes of instituting a Matrimonial Cause. For this purpose, the High Court of any State had jurisdiction to hear and determine specified matrimonial causes. It was gratifying to note that under Section 283 of the Matrimonial Causes Act 1970, a Nigerian woman need not institute her proceedings in the domicile of her husband. Indeed, she may institute such proceedings in any High Court in the country whether or not her husband lived within the jurisdiction of that Court or indeed, whether she herself lived within the Court's jurisdiction. This was cited as a laudable departure from the former law and practice regulating a woman's domicile. It was asserted in the report that Nigerian law on citizenship did not discriminate against women, and the law did not in any way compel an alien woman married to a Nigerian to change her nationality. In fact, the existing provisions of Sections 24 and 25 of the Constitution were based on a Memorandum submitted to the Constituent Assembly by "Niger Wives", an association of alien women married to Nigerian men.

On Article 10 which focused on equal rights in education, Nigeria's report emphasised that, the word 'women' is used as a generic to connote women and girls. It said that percentage of educated women in the country were few, and the number of girls attending schools was small. As educational facilities increased an increasing number of girls were sent to school. But the choice of education has usually been influenced by traditional attitudes towards education of female children. In the 31 years of Nigeria's existence as an independent nation, her education witnessed tremendous changes. Education was accorded constitutional recognition in the 1979 Constitution. It was reported that earlier on, the country changed its previous educational model which earlier laid emphasis on liberal education. Under the new system, primary education lasts six years, junior secondary education lasts 3 years, senior secondary 3 years and tertiary education lasts 4 years. After secondary education, a student may choose to further his/her education by attending a university or polytechnic for a four, five or six-year course, leading to the award of relevant degrees or Higher National Diplomas.

As reported by the Nigerian Government, notwithstanding the fact that the educational programme had witnessed rapid expansion, women still found themselves left behind particularly at the higher level and in science and technology. In Nigeria, females comprised 49.68 percent of the total population and according to the Situation and Policy Analysis (SAPA) report of 1993, the female literacy rate in 1990 was estimated at 39.5 percent. This was relatively low when compared with the 62.3 percent for males. Factors for this include early marriage as well as the socio-economic status of parents and gender stereotyping. Available data on education in Nigeria revealed the following trend: (a) Fewer girls went to school than

boys; (b) Female students tended to drift into or were guided towards areas of study' regarded as "feminine"; and (c) Female enrolment thinned out as one moved up the education ladder.

On factors responsible for women's low participation in the education process, the report noted that the most easily identified factors for women's low participation in education include: (i) Socio-economic factors. Female children are regarded as "strangers" in the family signifying that they will soon marry out. (ii) System of locating schools far away from home so that girls cannot easily be released from domestic chores to travel long distances for education. (iii) Economic factors such as the cost of education; boys are given the chance. (iv) Opportunity cost of formal education to parents in terms of earning that would otherwise accrue to parents if the girl stayed home to farm, or hawk. (v) Discriminatory labour market policies which preserve and confine girls and women to stereotyped professions. (vi) The imperatives which compel girls to spend more time on domestic chores than on their studies (vii) The non-relevance of school curriculum to traditional everyday living of girls and women.

It was emphasised in the report that the factors mentioned above together resulted in lower female enrolment rates and women's lower educational attainment. Out of concern for the disadvantaged position of women in education and in a bid to correct the educational imbalance, the Federal Ministry of Education formulated the National Women Education Policy in 1986 and a Women Education Branch was also established in the Formal Education Department of the Ministry. For the first time in Nigeria, the issue of women education was seriously addressed and concrete steps were taken to implement the policy objectives of the programme that aimed at equipping women for a meaningful role in society. The National Policy on Education states: "With regard to women's education, special efforts were going to be made by Ministries of Education and Local Government Authorities, in conjunction with Ministries of Community development and Social Welfare and of Information, to encourage parents to send their daughters to school".

The Blue Print on Women Education in the Nation was adopted by the National Council on Education in 1987. From it, action plans of shorter periods conterminous with the National Development Plans which set forth achievable targets were made. In a nutshell, the objectives of the Women Education Programme were: (i) to provide more educational opportunities for girls from the primary to the tertiary level; (ii) creating awareness in all citizens of the fact that equal educational opportunities exist irrespective of gender, age, locality, creed or status; and that such opportunities should be made available to all; (iii) Re-orientating the attitude of all females towards education, irrespective of their age; (iv) Provision of functional education for girls and women; (v) awakening the consciousness of all women; (vi) educating parents and the general public so as to bring about a change in attitude towards the new women's education programme; (vii) promoting the education of girls and women in the fields of science, technology and mathematics. It was remarked that the Women Education Policy Blueprint was in very wide circulation all over the country and forms the bedrock for women education in the country.

According to the report, since one of the major factors inhibiting women's access to education was the erroneous belief that education was irrelevant to women's prime duty of marriage and child bearing and child-rearing, there was great need for massive awareness campaign to change the ingrained views held by women, parents and general public and bring about a positive attitude. All the states of the Federation, including Abuja launched the campaign at State levels. Awareness campaigns were also launched at the Local Government Level to educate women at the grassroots.

On legal and other measures adopted since the Initial Report on the implementation of the Convention, the report explained that several measures had been made since the initial report, to increase the participation of women in education. The measures included free education, establishment of special schools for girls, lower cut-off marks for admission into school, legislation to discourage and punishing withdrawal of girls from schools. In addition, it was reported that with the implementation of the University Primary Education in 1976, education became free and universal. Women and girls were always sacrificed when economic factors forced parents to choose between educating sons or daughters. To redress the educational imbalance, special school were established for girls only. In this regard, the Federal Government set up two special unity secondary schools in each state to further help girls benefit from more educational enrolment, while some state Governments have passed legislation against the withdrawal of girls from school for marriage and imposed penalties for contravention.

As reported, the Nigerian Association for Women in Science, Technology and Mathematics (NAWSTEM) was launched in 1989, and charged with the responsibility of promoting Science, Technology and Mathematics education among women and girls in Nigeria. Also, a scholarship scheme for girls and women who excelled in Mathematics and Science was introduced by the Federal Ministry of Education in 1989. The report cited the World Conference on Education for All 1990, where it was said that "education is too diverse, complex, and demanding to expect Governments alone to be able to meet the vast array of learners needs" and asserted that Nigeria, therefore, entered into agreement with multilateral agencies to provide assistance for female education. In this regard, the report mentioned UNESCO and UNICEF as organisations which provided core support. UNESCO had a pilot project in the education of women in 6 states of the country. The target population was 30,000 rural women. Under the 1991-1995 Federal Government of Nigeria/UNICEF programme of Cooperation in Basic Education, the objectives zeroed in on (i) establishing and equipping Women Education Centres in 10 states of the Federation (Adamawa, Bauchi, Benue, Cross River, Niger, Ondo, Kaduna and Taraba); and on (ii) training 150,000 women and girls in basic literacy, numeracy and life skills.

It was reported that the Nine Most Populous Countries Initiatives in Literacy which came on stream in late 1991, used the literacy rate of girls and women as a key indicator. Nigeria was one of the 9 countries that participated in the initiative. A Girl Child Programme was also initiated in early 1993. As a result, about ten girl child pilot primary schools were established in the Northern part of the country. It was remarked that same opportunities existed for access to programmes especially with the setting up of the National Commission for Adult Education and Mass Literacy which focused on adult and functional literacy for both males and females. To further encourage the female gender, thereby reducing the gender gap, the Federal Government through its Education Ministry also established Women Education Centres in all States of the Federation.

Regarding non-formal education for rural women, it was reported that: (a) To ensure that education was made available to all women, the country was zoned into eight to afford women involved in women education programmes the opportunity to go round the country and identify the specific needs in the urban and the rural centres. In 1988, the 1st train-the-trainer programme 'was organised for 200 women who upon return home organised similar training programmes for women at the rural level. The programme enlightened women on how to organise themselves into cooperatives and thrift societies. Functional education skills like sewing, pottery, cookery, weaving, etc. were imparted to the participants. In the non-formal education category, the Federal Government set up a National Nomadic Education Commission, which according to the report, had the responsibility to take

education to migrant cattle herders and fishermen and women in the riverine areas. Also established was a National Commission for Adult Education and Mass literacy to oversee the mass literacy programmes of the Government.

In 1988, 22 Women Education Model Centres were set up in the Federation where at least 4,000 women per annum were trained in basic functional literacy. In 1989, additional 88 Model Centres were set up to further bring functional education and literacy programme nearer the grassroots. As at the time of submitting the report, there were about 270 Women Centres established by the Federal Ministry of Education throughout the Federation. The course offered at each centre varied but was relevant to the needs of the State and Community it served. As reported, at the end of every year an evaluation meeting was held by all women education coordinators at Federal and State Levels to assess the year's achievement, identify obstacles in the way of the programme and map out the programme for the succeeding year. One visible success of the programme was the enactment by some States of legislation banning withdrawal of girls from school for marriage (6 states had done so). Erring parents were prosecuted and penalised. The enactments had given affected girls the courage to report their erring parents to authorities.

In relation to Article 11 on employment and Labour, it was emphasised in the report that the labour legislations of Nigeria were non-discriminatory. Some of those legislations even had provisions to protect and safeguard the interests of women in employment. Sections 54 to 58 of Labour Act Cap 198, Laws of the Federation was cited as providing for the security of women's employment during confinement. Certain sections of the labour legislation sought to protect women from hazards. Interpreted in practice, such sections were always applied to their disadvantage. In this wise, section 54 of the Labour Act prohibited the employment of women in night work in a mine, in any public or private undertaking or in agriculture. The result was that any job which involved night shift (other than work as a nurse or a para-medical in hospitals) or working underground was denied to women with the result that in the industrial and manufacturing sector, promotion opportunities in particular areas of work for women were limited.

Consistent with section 17 of the constitution, the public sector provided the impetus for equal employment opportunities for women. In the Nigerian public sector, appointment procedure and the general condition of service were the same for men and women; and applied equally in all public enterprises, which did not take independent action in favour of or prejudicial to their women employees. Any action relating to the conditions of service of public enterprises employees must be within the broad guidelines provided by the Federal Government.

In the area of personal policies (covering recruitment, employment, promotion, etc.) public enterprises were governed by the Federal Government Civil Service Rules, as revised from time to time. The existent rules made specific provisions covering women employees, some of which could be interpreted as "discrimination in reverse". Many of such rules were related to pregnancy, childbearing and maternity leave. It was remarked that these benefits notwithstanding, female employees in the public sector could still identify areas where existing rules or their application and interpretation discriminated against them. It was highlighted that an estimated 60 percent of the labour force was employed in the public sector while, 40 percent worked in the private sector. It was to be noted that there was overt discrimination against women in the private sector which tended to prefer child-free women, or much younger unmarried women.

Nigeria, according to the report, had an extremely high proportion of economically-active women. In 1970, Nigerian women's participation rate was 32.37 percent only. Latest figures showed that it had increased to 44.96% as at 1993. Between the ages of 20 and 65, Nigerian women's participation rate in economic activities as a percentage of total population of the age grade was extremely high. Women's activities in the agricultural sector definitely accounted for the very high participation rates.

Over 67 percent of the Nigerian population was predominantly rural and majority of them were farmers. The Nigerian labour force, as reported, was relatively young, as half of it were in the 20-35 age-group and about 80 percent was less than 45 years. The labour force dropped significantly after the age of 54 years, reflecting the then prevailing compulsory retirement age of 55. The retirement age had since been raised to 60 years in the public sector, except for High Court Judges who retired at 65 years. The cultural diversity of Nigeria referred to earlier had had considerable impact on women's direct participation in economic activities. Women in Nigeria had traditionally contributed to meeting some of the basic needs of their families. They engaged in basic crafts, trading and paid employment, and had always been economically active in the agricultural sector.

According to the report submitted by the Nigerian Government, the principle of equality of all citizens of Nigeria was enshrined in the country's constitution in 1979. There was ample statute-based (*de jure*) potential for women's employment right in Nigeria (*vide* the Labour Act, the National Social Security Trust Fund, etc.). In spite of section 55 of the Labour Code which forbade women from working at night, the practical experiences were that women, particularly professional women, were choosing to work at night and mutually, between them and their employers more areas, hitherto forbidden for them were opening up. There was still need for an express review of section 55 of the Labour Code and similar legislation. Specifically, Section 53 was cited as providing for maternity protection of women employees. A woman was not permitted to work six weeks before and after delivery and she was to be paid during the period. And she should not be dismissed on account of her maternity-induced absence.

It was in the claim of the above right, that two cases were based and the Court found in favour of the women, respectively. In one of the cases, *Ajiboye v. Dresser Nigeria Limited*, the Plaintiff, a Confidential Secretary, was employed by the Defendant Company. But on resumption from maternity leave, her appointment was terminated, whereupon she sued the company and the court found that she was in fact dismissed on account of her pregnancy and confinement. The dismissal was therefore held to be a breach of section 53 and of the Labour Code (which related to maternity protection). Labour force participation rate for women differed markedly from that of men. The figures for 1993 showed women participation rate as 44.96% while that for men was 78 %. For those in the Labour Force, the unemployment rates (*i.e.*, unemployed as a percentage of total Labour Force) was 2.8% for men and 3.196 for women.

Section 17 (3) (e) of the 1979 Nigerian Constitution enjoined the state to direct its policies towards ensuring that: "there is equal pay for work without discrimination on account of sex or any other ground whatsoever". In pursuance of the Government's social security and pension benefits obligations under this article there were the following relevant legislation: (1) The National Provident Fund Act (later renamed as the Nigerian Social Trust Fund) (cap 273 Laws of the Federation 1990) which described itself as "an act to establish a National Provident Fund and provide for contributions thereto and for payment thereof of sundry benefits and for matters connected therewith". The Act provided for payment of the following classes of Benefits (made up of joint contribution by the worker and employer as follows: (a) main benefits in respect of age (55 years survivorship and invalidity; (b) subsidiary benefit in respect of sickness; (c) withdrawal of benefit in respect of emigration and withdrawal from the fund. The National Provident Fund Scheme applied exclusively to workers in the private sector of the economy. Any employer who employed 5 persons or more was liable to contribute 5.96% of the basic earnings while the employees contributed 2.596%. Contributors qualified if they had contributed for about 120 months. Benefits under the Scheme are payable one year after cessation of work.

The report noted that the Workmen's Compensation Act 1987 made provision for the compensation of workers who died on or were injured at work. This specifically defined workman to include

"Woman" and related to all workmen who earned more than N1,600, without ceiling. Employers were obliged to take out an insurance in favour of their workers against injury and death. And Employers must make returns to the appropriate Minister concerning their obligations under the Act. Also, workers who contracted diseases attributable to their jobs were to be compensated and given medical treatment.

According to the report, the Pensions Act (cap 346, Law of the Federation) was enacted to consolidate all enactments dealing with pensions and disability benefits, for civilian employees in civil service of the federation. Accordingly, "Every Officer of the Federal Civil Service who retired compulsorily on attaining the age of 60 years was entitled to gratuity of 2 years pay but not exceeding 300% of his salary and pension as set out in the Act. A person who died in office should receive a pro-rata pension for five years between 30% - 65% of last pay. As contained in the report, closely related to employment was the issue of taxation. Certainly, the tax legislation and tax administration policies were heavily weighed against women. In the past a married woman was hardly ever given any free pay allowance. This was usually justified on the ground that men traditionally bore the responsibility of looking after the family financially. This was not always true as women's financial commitment had continued to increase. Women had responsibility not only to their nuclear family but also to their maiden families, not to mention the need to take care of themselves.

Since the presentation of the Initial Report in 1987, many changes had taken place in the taxing regime of women. Women who actually bore responsibility for their children may claim tax relief in that regard. Also, women who produced evidence of looking after their parents or relatives from the maiden family, may also claim benefit thereof. Increasingly, women were deriving benefits for their labour as such, and thereby closing the gap between the pay of men and women, both doing precisely the same work. There was intention on the part of the Ministry of Labour to push through a law on equality concerning taxation matters. With the introduction of the structural adjustment measures, there had been growing unemployment since 1988. Industries were operating below installed capacity with the attendant retrenchment of staff, most of whom were women casual workers. To combat the situation, the Federal Government set up the National Directorate of Employment to cater for unemployed school leavers.

That scheme for the first time, targeted the Informal Sector by the institution of the following schemes: (i) Youth Open Apprenticeship scheme (National Open Apprenticeship Scheme). The scheme taught youths both male and female chosen schemes, and thereafter they were given a soft loan between N12,000 to N25,000 to set up business or trade. Since its inception about 210,750 youths had been trained in 80 trades; and about 20,000 had established businesses of their own. (ii) Resettlement Scheme and Small-Scale Enterprises Scheme. This was a follow-up on the Open Apprenticeship Scheme, whereby graduates, who were mainly women were assisted to set up business and resettle. (iii) Waste to Wealth Scheme: The Waste to Wealth Scheme which encouraged creativity, aimed at providing unemployed youths irrespective of gender with skills that could convert discarded objects like sea shells, snail, corals and other waste materials into valuable objects like decorative items, toys, furniture etc. Within the period under review about 5,000 youths had benefited from the "Waste to Wealth scheme". (iv) Mature People Scheme (MAPS): This aimed at keeping retired or retrenched mature people economically active by helping them set up their own business. The beneficiaries were expected to hire at least two university graduates amongst other staff. (v) The Rural Export Craft Scheme: This scheme was introduced to support Nigerians mainly women, interested in producing local crafts for export trade. This was essentially in the textile trade. (vi) NDE Agricultural Programme: The NDE Agricultural Programme during the period was involved in revamping defunct agricultural projects, increasing food production and providing employment in the Agricultural Sector. 3100, Cooperative Societies were set up nation-wide and

women constituted 66.08% of the entire membership of the Cooperatives Societies. In its obligation to fund the schemes above, the National Directorate of cooperated with employment Non-Governmental Organisations.

The report acknowledged that Sexual Harassment was prevalent at work. Women and Men were being educated as to the dangers of sexual harassment. They were being taught that the term is extensive and all-embracing. Many employers were setting up machinery for reporting and dealing with sexual harassment, including stringent punishment. However, no statistical data was available as many victims were slow at reporting such demands for diverse reasons, including fear of losing their jobs. Sustained enlightenment still remained on the antidote for sexual harassment in the work place.

The factors militating against the employment of women included customary attitudes and beliefs, the attitude of employers and issue of sexual harassment of women at work. Women who resisted these advances were victimised. There was still some subtle psychological resistance to female bosses. Women of child-bearing age were discriminated against due to absenteeism. Again, there was the issue of education. In the past, the male child was educated in preference to the female child because the male child would remain and perpetuate the family name while the girl was given out in marriage. Happily, these traditional and attitudinal barriers were gradually being broken down, giving way to a situation where all children male and female alike, were given equal educational opportunities subject to family resources.

At the time of submitting the report, girls and women were graduating in all areas which hitherto were the exclusive preserve of men. The women even participated in trade union leadership. There was a women's chapter in the Nigeria Labour Congress. An influential member of the Nigerian Employer's Consultative Association urged, in a paper, that to achieve women's full integration into the Labour force, the Nigerian woman should do two things: (a) decide early enough either to be a life-long career woman, that is to say, not marry at all, or have children early enough and return to work when the children are old enough; and (b) oppose all protective labour laws which could easily turn discriminatory, and also in this wise, reject all special treatment for the female workers.

It remarked that there was merit in the suggestion, except to re-echo Mrs. Leticia Shahani's views in her opening speech to the World Conference of Women in Nairobi that society should recognise that maternity is a distinct and essential social function which can only be performed by women and therefore deserves full recognition and requires specific support. It was emphasised that only by heeding Mrs. Shahani's advice would the lofty ideals of the 1979 Nigerian Constitution be realised. The Constitution enjoined the state to direct its policies towards ensuring that "there is equal pay for equal work without discrimination on account of sex or any other ground whatsoever."

On Article 12 on women's health care and family planning, the report cited the relevant section of the Constitution of the Federal Republic of Nigeria 1979 (provisions of which relate to social objectives). In addition to that constitutional injunction, Nigeria subscribed to and held dear the philosophy of the World Health Organisation's commitment to Health for all by the year 2000 that "People have the right and duty to participate individually or collectively in the planning and implementation of their health care including mass involvement of women, men and youth." In compliance with the provisions of the Constitution and the Convention, the Federal Ministry of Health in conjunction with other bodies assiduously pursued a Programme aimed at the advancement of the status of women in society. In view of the Fundamentality of the status of women, the federal Ministry of Health particularly engaged itself in the provision of the National Health Care system for women. The ultimate goal of the National Health care system being the pursuit of a mission aimed

at providing a Comprehensive Health care system for preventive, protective, restorative and rehabilitative services as a right of every woman of the country.

In the overall planning strategy for the enhancement of women in the Nigerian Society, the health care delivery policy devoted special attention to health hazards peculiar to women, especially those related to child bearing. Thus, in the last four years preceding the report, positive efforts were intensified in the following areas: (a) Environmental Sanitation (b) Communicable Disease Control (c) Maternal Health Services (d) Immunisation, especially the National Programme on Immunisation (NPI); and the Oral Rehydration Therapy. (e) School Health Service (f) Family Planning and Counselling Programme (g) Maternal Morbidity and Mortality (h) The safe Mother Programme (i) Training of Doctors in the Management of emergency cases to equip them to work in the Community and the Local Government Areas) (j) Women Empowerment (k) Service Delivery including Emergency preparedness.

On environmental sanitation, it was reported that available data showed that there was a considerable improvement in the environmental sanitation habits and awareness. This was reflected in the general beauty of the Urban and Rural areas leading to the decrease in certain diseases that were mostly caused by poor sanitation. To build on the gains of improved urban sanitation, Sanitary Inspectors were reintroduced in some states e.g., Lagos State and Plateau State. According to the report, diseases such as Chicken pox, sexually transmitted diseases and infections hepatitis had decreased considerably in number and there had been positive impact in maternal health services in the decade preceding the report. Evidently objectives under the Health Care delivery system overlapped, but most pertinent to women and Health Care delivery as elsewhere were those associated with child birth (parental diseases). These included birth injuries, parental infections anaemia of pregnancy, toxemia of pregnancy, obstructed labour and postpartum haemorrhage. All these accounted for a significant number of morbidity and mortality among women. Breast feeding had been introduced and mothers were persuaded to breast feed their children solely on breast milk for the first six months. To encourage mothers to breast feed their children, so that their babies would be healthy and would develop resistance to infections and immunity to ailment, Decree 41 of 1990 prohibited the importation of formula milk into the country.

On immunisation, the report noted that efforts were intensified in this all-important area through the instrumentality of the National Programme on immunisation. However, the dearth of personnel constituted an impediment towards the total accomplishment of the objective. In relation to family planning, a national family planning programme had been in existence since the mid-sixties, the Maternal and Child Health (MCH) unit of the Department of Primary Health Care (PHC) became fully involved in 1985 with the establishment of the Primary Health Care Programme. In collaboration with other international agencies, the PHC department, was implementing the final family planning programme which was geared towards improving coverage, through the provision of transport, commodities, equipment, information and the training of family planning services providers. In 1989 the National Population Policy was established to stem the population growth rate and improve the socio-economic status of Nigerians. Also, international agencies were consistent in the training of health personnel, provision of clinics, equipment and contraceptive supplies.

The report on maternal morbidity and mortality highlighted the unsatisfactory health status of women in Nigeria. This was a culmination of the low status of the women, high female illiteracy rate, low purchasing power and inadequate access to both quantitative and qualitative health and maternal services. It was therefore common knowledge that the commonest causes of maternal deaths are haemorrhage, obstructed labour, sepsis, induced abortion and hypertensive diseases of pregnancy. These problems were more often than not, compounded by socio-cultural and harmful traditional practices such as female genital mutilation which may result in the development of Vesico-

Vaginal Fistulae. To reduce the fertility rate, Government had over the years embarked on the female education to at least secondary school level. The achievement, however, depended on the legislative angle and if Government could take the bull by the horns by legislating the age of marriage to be 18 years.

On safe motherhood programme, the Federal Ministry of Health in conjunction with other agencies such as the National Primary Health Care Development Agency, multilateral and bilateral agencies and professional organisations such as Society of Gynaecologists and Obstetricians of Nigeria (SOGON), Paediatric Association of Nigeria (PAN), Nigeria Medical Association (NMA), Nigerian Association of Nurses and Midwives (NANW) and non-governmental organisations, had adopted the Safe Motherhood programme strategy aimed at encouraging and supporting the participation of all interested individuals, organisations and agencies in any capacity towards reducing maternal mortality and morbidity. So far, the major maternal health interventions which were implemented within the frame work of the Safe Motherhood and PHC Programmes were family planning, tetanus, toxoid and immunisation, and the training of traditional birth attendants.

The report noted efforts in the training of doctors in the management of emergency obstetric cases and to equip them to work in the community and local government areas. Owing to the indispensability of this vital area to the national health scheme, the report indicated that the Federal Ministry of Health in collaboration with other agencies set up well co-ordinated and articulated programmes aimed at improving the quality of care of the mother and neonate through the upgrading of knowledge and skills of clinical midwives in responding to obstetrical emergencies. It also enhanced their interpersonal skills in the area of the "Life Saving Skills" (LSS) training programme for counselling skills for Traditional Birth Attendants which were developed and implemented in Oyo and Bauchi States respectively. These were focused on women, their families and communities thereby increasing their awareness of problems that may arise during pregnancy, and their ability to respond so as to protect and promote the health of the mother and new born child. The Federal Ministry of health was reportedly working on the modus operandi to implement these programmes in other States through the State Ministries of Health.

Life Saving Skills training centres were established in Bauchi and Oyo States in 1992 with the assistance of Mother Care under the John Snow's Project. Twenty midwives had been trained as master trainers in response to obstetrical emergencies such as obstructed labour and haemorrhage. The training tremendously assisted in the reduction of Maternal Mortality Rate/Ratio in the two pilot states. Two other Centres that were to serve as health zones A and C were in the process of being established in Calabar and Kaduna with the assistance of the World Bank. On women empowerment, it was reported that the quality of health attained by women and their respective families was wholly predicated on the level of women's education.

In recognition of the absolute need to empower Nigerian women for effective participation in health programmes, the Federal Ministry of Health in conjunction with the World Health Organisation (WHO) in 1990 embarked on a project to promote intersectional action for health education for women as a means of improving their health status. It further aimed at empowering women through development activities and income generation. A cluster of villages in Bida LGA of Niger State, were used as pilot project sites and they were then 80% illiterates. However, after the introduction of functional literacy and health scheme in those communities, the assessment report revealed a significant impact of the programme as follows: (a) Improvement of the health status of the community; (b) Communities became more economically buoyant and (c) Remarkable development of post literacy reading material. In view of these successes, plans were underway to replicate the programme in other states.

In relation to service delivery, including emergency preparedness, it was reported that the low quality of maternal health services accounted for much of the high maternal morbidity and mortality found in most parts of Nigeria. However, following the implementation of the National Health Policy, there was a tremendous change in the health of the Nigerian child consequent to which infant mortality, as well as under-five mortality dropped by an appreciative degree. On the other hand, the sustainability of the programme, posed a big challenge to policy makers and health providers as aptly exemplified by the Expanded Programme on. The quality of services provided to women were partly the causes of high maternal morbidity and mortality. In most of the health facilities, there were no transportation facilities for referral purposes as vehicles were either not functioning or there was no driver attached to them. These problems constituted risks to the mother.

Consequently, the proposed National Maternal and Child Health Programme would emphasise more on maternal care, because it was the area deserving urgent attention. The basic thrust of the programme would be at the household level, the Community and the LGA level and the Secondary level of care which accepted cases referred from the lower levels. The ultimate goal of the National MCH programme was to reduce maternal and child mortality and morbidity by 50% by the year 2000. The specific objectives of the programme are: (i) To involve Communities and non-governmental organisations in the provision of maternal care; (ii) To improve the skills and knowledge of providers of maternal and child care at all levels. (iii) To improve the status of health facilities providing maternal care through supervision, maintenance of equipment and material and refurbishing of service delivery points; (iv) To identify bio-medical engineering centres for repair and refurbishment of equipment used in the provision of care; (v) To strengthen adolescent reproductive health service and (vi) To strengthen inter-sectoral collaboration.

The first case of AIDS was reported in 1985. The National AIDS and STD control programme was developed by Federal Ministry of Health. Under the programme the first seroprevalence survey was conducted in 1990 in four States of the Federation. The HIV positivity rate was found to be 0.4%. In 1990/91 among selected sentinel group including commercial sex workers, women attending antenatal clinics and tuberculosis patients. The seroprevalence rates were 17.5 %, 1.2%, 4.5% and 2.8% respectively. The most recent seroprevalence survey (1993/94) revealed a general increase in seropositivity rates for commercial sex workers, Antenatal Care Attendants, STD Clinic Attendants and Tuberculosis Patients as 22.6%, 3.8%, 8.9% and 7.9% respectively. This was evidence that the AIDS might soon pose a threat not only to the health of women and children but also to the social and economic lives of everyone. The control of the spread of STD, AIDS was therefore another intervention that must be integrated into the mother and child programme at all levels.

However, certain bureaucratic directives and decisions, coupled with ingrained attitudes, prejudices, behaviour patterns and traditions, had worked to create obstacles in the way of full participation of women in all spheres of National life. For instance, Government efforts towards eliminating women circumcision (a practice adjudged to be medically detrimental to women) had been, emasculated by cultural prejudices and practices. In spite of measures adopted by the Government and its agency, the practice was still prevalent in some areas unabated. The women organisations in collaboration with the Government assiduously pursued Public Enlightenment Campaign aimed at eradicating such practices as non-eradication made the change envisaged by the Government impracticable. From the above it can be seen that a lot was being done to eliminate discrimination against women on health grounds.

In response to Article 13 which was on credit facilities and economic, social benefit, the report said that there was not in operation in Nigeria any organised or regular Government Scheme of family or social benefits other than those that were tied to employment, e.g.: (i) Pensions and gratuities; (ii) Provident Funds; and (iii) Workmen's Compensation Scheme. Accordingly, women could not be

singled out for any special or discriminatory treatment in the provision of family benefits. However, section 17 of the 1979 constitution laid a foundation for the elimination of discrimination if and whenever such a scheme was produced. Section 17(3)(g) of the 1979 constitution ensured that regardless of sex, if a situation arose which called for help to be rendered to any class of citizens, it would be done. Such could be the case where there had been natural disasters, droughts, famine, flood, armed conflict, the refugee situation, etc. And examples abounded where recourse was had to that provision to help needy persons.

The Family Support Programme's strategy was to effectively utilise the institution of the family to address some current global and local needs. It was in this light that the Family Support Programme's activities made direct impact to improve the quality of lives of Nigerian families in the area of income generation activities. It followed therefore that the nature of basic and other needs which a family could provide for itself would depend on its ability to generate sufficient income to meet those needs. Income generation therefore would consolidate and enhance the socio-economic status of the average Nigerian family.

As reported, there was no deliberate Government policy specifically in favour of women in the grant of credit. This was perhaps because commercial and Merchant Banks were private sector organisations which were simply profit-oriented. They usually dealt with their customers on individual merit and creditworthiness. If a customer had a good credit standing, the fact that she was a woman did not work against her. It was recognised that women who were credit-worthy in their own rights were very few. However, some smaller finance houses did sometimes require that the consent of a woman's husband be obtained before she would be granted a loan. This was not always an easy feat to accomplish. Another factor militating against women was their inability to provide adequate collateral for loans. To mitigate this the Federal Government Agricultural Loan Scheme under which farmers were granted loans up to N5,000 without collateral, was introduced. While applauding the good intentions of the Scheme, it was pointed out that the small farmers for whom the scheme was intended were rural dwellers.

Available statistics showed that women's credit for agriculture was 16.7% of women in agriculture who had access to credit. The People's Bank, the United Bank for Africa, Afribank, the National Agricultural and Cooperative Bank and all the Community Banks had schemes to provide soft loans for the rural and urban poor. Loans from these banks' schemes went mostly to rural women. There were also other schemes set up by the National Directorate of Employment to assist the small entrepreneurs.

On women participation in sports and as reported by the Nigerian Government, Section 17(3) of the 1979 Constitution which concerned social objectives provided as follows: (3) The State shall direct its policy towards ensuring that – (a) "There are adequate facilities for leisure and for social, religious and cultural life". This provision found the fullest expression in Nigeria. Women were granted the same opportunity for participating in every imaginable kind of sports and to represent their schools, Local Governments, States and the Country in those sports in which they excelled. There were women wrestlers in Nigeria. There were female golfers, women played field hockey and others played handball. Female soccer was also introduced into the country's sporting arena. In fact, the female soccer team represented Africa in China not too long before the submission of the report. Nigeria's first individual Gold Medal in the Olympic Games was won by a woman in Atlanta in 1996. Three other women won silver and bronze medals. The Nigerian female relay team also won a silver medal.

In the cultural arena, Nigerian Women had a great deal of rhythm in them and this was exploited to the fullest and to the country's pride. Nigeria had fashioned out a cultural policy, embracing the total way of life evolved to cope with the challenges of living in their environment. The National Cultural

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Policy aimed inter alia, to: (i) promote creativity in the field of art, science and technology; (ii) establish a code of conduct compatible with our tradition of humanism and a disciplined moral society; (iii) enhance national self-sufficiency and reflect our cultural heritage and national aspirations in the process of industrialisation. Even though the policy did not overtly claim to eliminate discrimination, its practical application was not to discriminate against women. Several institutions were set up to carry out the National Cultural Policy. In particular, the Copyright Council, the Press Council and the film Censorship Board ensured that only socially and morally edifying material was disseminated as part of Nigeria's cultural content. It was part of the Cultural Policy that the Nigerian Visual media should air at least 80% of Local materials in its programmes.

A substantial percentage of Nigerians lived in the rural areas and most of them were women. It was obvious that activities by organisations such as these would serve to increase awareness amongst women, of events around them and sensitise them towards involvement in activities which would break the bonds of isolation underutilisation. The National Cultural Policy stipulated that craft should be adequately identified, preserved, promoted and developed. Other national programmes aimed at the enhancement of the status of the artist/craftsman and at encouraging the adaptation of traditional design and craft to the needs and requirement of modern times. Similarly, arts and crafts were a veritable part of the cultural heritage of the country and were of great economic value.

On Article 14, women in agriculture, the report said that agriculture was a major sector of the Nigerian economy. It supplies food for the population, raw material for industries and supplements the large export earnings from petroleum. Agriculture produces only 35% of the GDP but employs a very high percentage of the Nigerian labour force. Small holdings, dominated by women, and farmed largely by traditional methods under rainfall conditions were the backbone of the sector. The country was endowed with a wide range of agro-ecological zones, permitting a diversified mixed farming system with a wide range of annual and perennial crops, livestock, fisheries and agro-forestry. A World Bank study showed that Nigeria had a strong advantage in producing a variety of crops, livestock and forest products; and proven technologies existed for increasing production and productivity under rainfall conditions.

Over the past decades, Nigeria's agricultural sector's performance changed inversely with the rise and fall in oil revenues. During the oil boom of the seventies, agriculture suffered severely because of its inability to retain labour in the face of the appreciation of the Naira, increases in non-farm wages and concentration of public expenditures' share in GDP fell from 45% to 27%. Between 1970 and 1982, exports of cash crops declined sharply and the country depended on food imports to feed its population. Although, the output of staples rose within the same period; it averaged only 1.2 % annually which was much less than the population growth of 3-4%.

The Structural Adjustment Programme introduced in 1986 had a positive impact on agriculture. Exports of major agricultural commodities increased in 1988 by 100% over the 1987 levels. With its introduction, a number of manufacturing enterprises began to use local agricultural products, and backward integration and investment in the sector, with the implementation of several other policy measures, food output recovered and increased by 5-6% between 1988-1990, and continued to improve. However, to sustain and surpass the increase, several actions needed to be taken. One of such was actively addressing the constraints and potentials of the major food producing small holders that are women. It was reported that although rural women play a vital role in the production, preparation, preservation and distribution of food supplies, past development plans and efforts did not recognise their contribution in the agricultural sector. Most of the past national development plans did not include any programme for the effective training and participation of women in agricultural production, storage, marketing and processing of farm produce. It was against this

background that units of the Home Economics Division of the Federal Ministry of Agriculture and Rural Development were established, one in each of the agro-ecological zones of the country.

To redress the situation, the World Bank in 1986 funded two consultancies in Nigeria to determine the extent of the participation of women in agriculture and recommend strategies for concretising their findings in the form of project activities. The work of the two consultants in addition to the activities of the Home Economics Division of the Federal Development of Agriculture (FDA) culminated in the first ever National Workshop on WIA at which strategies and plans were designed for the implementation of Women in Agriculture (WIA) programme in Nigeria. The emphasis of the activities was to be on actual production of crops, livestock, fisheries and agro-forestry products while lesser emphasis (30%) was to be placed on post-harvest activities. This was the beginning of a vigorous period of training and retraining of former Home Economics staff to acquire the necessary knowledge for their expanded mandate. It was in this period that the Home Economics Division of FDA got the National Council of Agriculture (NCA) to approve and direct the establishment of WIA units in all the Agricultural Development Projects ADPs. The World Bank at this time played effective supportive roles in ensuring the full take off and success of the programme through the recruitment of a female agriculturist at the Resident Mission in Lagos to provide technical support to the ADPs.

The report also remarked that in 1991, the Women in Agriculture (WIA) was established in the Federal Agricultural Coordinating Unit (FACU), under the Department of Agriculture of the Federal Ministry of Agriculture. Its major mandate was to integrate women into agricultural development through alleviating the agricultural production problems/constraints facing women. The WIA programme identified and disseminated production, processing and utilisation technologies in all the sub-sectors of agriculture to reduce the drudgery associated with women workload. It also linked women to sources of credit and other agricultural inputs such as improved seeds and cuttings, seedlings, agro-chemicals and fertilizers.

FACU/WIA essentially assisted the states technically to improve the agricultural productivity of women farmers using available resources. A lot of success was achieved in this regard. For example, as women began to practice new technologies both on and off farm, processing blossomed in different parts of the country and many women groups organised around various innovative agro-based activities in production.

First and foremost, female extension workers were employed, deployed to areas where they were suitable and started disseminating innovative food production technologies. Women farmers were thus able to receive information on science and technologies just like their male counterparts. Women farmers started using the improved technologies such as highly resistant materials, fertilizers and little agro-chemicals. This resulted in substantial increases in output, thus women were better able to feed their families and had more surplus to sell. Working in groups, women were able to acquire farm lands from their communities on which they learnt the innovations before practicing them on their farms. Many women groups also had processing equipment installed so that they obtained more income from their farm produce and rendered services to others/with a good margin of profit. Enterprise women were involved in increased due to the availability of technologies in crops, livestock, fisheries, forestry and other farm activities.

In spite of the achievements of the ADPs/FACU in reaching women farmers, there were still major constraints such as: (i) Inadequate Financial Resources (ii) Inadequate Research into Women's Concerns (iii) Land Tenure System (iv) Inaccessibility to Other Productivity Resources; and (v) Few Women in Management Position in the Agricultural Sector. The report suggested that there should be specific policy on women farmers. The policy should enable women have real control over the land they farm to enable them acquire productive resources and promote the acquisition of

agricultural professional expertise and management positions. Furthermore, women's agricultural programmes should be accorded priority in institutions and resources made available for their effective implementation. Research agencies too should broaden their scope to conduct investigations into those commodities and activities that are of interest to farm women.

On Article 15 which centres on equality before the law, the report remarked that in 1979, for the first time, the Nigerian Constitution in Section 39 clearly and categorically recognised the equality of men and women and prohibited any form of discrimination on grounds of sex, whether such discrimination is found in legislation or is in the execution of any executive or administrative directive. As stated in Section 1, the Constitution is supreme and any law in conflict with the Constitution, shall be void to the extent of the inconsistency. Consequently, if there was any law that abridged the rights of women, such law will be unconstitutional. However, in the interpretation or enforcement of administrative policies, public officers and other functionaries installed practices and issued directives that were discriminatory to women. A case in point is the practice by the police to deny women the right to stand surety for suspects. However, the police had rescinded that practice.

Section 33 of the Constitution guaranteed to everyone irrespective of sex, the right to fair hearing. Section 33 (1I) provides: "In the determination of his civil rights and obligations including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reason of time by a Court or other tribunal established by law constituted in such manner as to secure its independence and impartiality." Section 31 guaranteed the right to human dignity; Section 32 guaranteed the right to personal liberty; Section 34 guaranteed the right to private and family life; Section 35 guaranteed the right to freedom of thought, conscience and religion; Section 36 guaranteed the right to freedom of expression; Section 37 guaranteed the right to peaceful assembly and association; and Section 38 guaranteed the right to freedom of movement. All those rights guaranteed under the fundamental rights were guaranteed to both men and women alike.

Similarly, Section 17 of the Constitution enjoined the State to found its social order on ideals of freedom, equality and justice. And in that wise, to guarantee to every citizen equality of rights, obligations and opportunities before the law; and to recognise the sanctity of the human person and maintain human dignity. According to the report, the foregoing made it clear that Nigerian Law made provision for equality before the law, irrespective of sex. Men and women also were subject to the same liabilities before the law. With the signing and ratification by Nigeria in June 1985 of the Convention on Elimination of All Forms of Discrimination Against Women, Nigeria became even more determined to put into force the principles of equality of rights and obligations enshrined in the Fundamental Rights provisions of the Constitution.

The reports comment on Article 16, which is on marriage and matrimonial causes, is that it was that there was a multiplicity of marriage patterns depending on ethnic or religious grouping. The marriage types recognised in Nigeria were: (i) the monogamous, that is, marriage conducted in accordance with the Marriage Act; (ii) marriage under the customary law; and (iii) marriage under the Islamic law. Accordingly, Nigeria fell into the class of countries in which customary, religious and civil law marriages operated side by side. This plurality arose because of Nigeria's colonial association with Britain, and the Marriage Act was patterned after the English Marriage Act. The form of marriage to be conducted in respect of any intending couple, was a question of personal choice. However, one noticed great mobility on the part of men in the sphere of marriage in spite of the existing law of bigamy (an offence committed by super-imposing the customary form of marriage upon a statutory form of marriage or vice versa with a different "bride". Pure polygamy, that is marriage of two or more wives under Customary or Islamic Law, was legal and recognised. What was not recognised or permitted by law was the admixture of the three forms with two or more different women.

On same right to enter into marriage, the report noted that with education, development and urban migration, many more women were exercising their right to freely choose their spouse. However, if they were under 18, then there was free parental consent, whether the marriage was statutory or under customary or Islamic Law. Customary law and practice had their strongest hold in the area of customary Marriage and family law; particularly in such areas as consent to marry, marriageable age, choice of spouse, custody of children, widowhood, property rights, etc. The report stressed that most customary laws and practices were enforced by virtue of the dual system of laws. The High Court Laws empowered Judges of the various State High Courts to enforce customary laws provided such were not obnoxious or repugnant to natural justice, equity and good conscience and were not contrary to other enactment. Sharia Court's establishment in the applicable States administered Islamic law to persons who were of the Islamic faith. Nigeria had not yet signed the Convention on Consent to Marriage, Minimum Years for Marriage and Registration of Marriage, but there had been proposals to the Federal Government to fix the age of marriage at 18 years.

Persons marrying under the Act and person who were of full age and capacity and person contracting marriage for a second or subsequent times did freely choose their spouses. However, child marriages still existed in many parts of the country, particularly marriages under the customary law. Spouses under the statutory marriage had the same rights during marriage and at its dissolution. Under the Matrimonial Causes Act, the wife was entitled to her own domicile and had exactly the same right as her husband concerning custody of the children, and concerning matrimonial fortunes, etc.

Under Islamic law marriage, the spouses had equal ringlets to a large extent in matters of property ownership and marital obligations. In fact, when the marriage was to be dissolved, the same opportunity was given to the spouse to terminate it when it no longer served its purpose and had turned into an unbearable burden. The husband could bring about the dissolution of marriage in three different ways, namely Talaq, Ila and Zilar and similarly, the wife could terminate the marriage by three ways, namely, Khul (repudiation of marriage in exchange for material compensation), Tafwid (by proxy) here the husband would delegate his authority to divorce his wife; and by option of puberty that is to say a minor who was married to her husband could upon attaining majority opt out or affirm the marriage. The wife had a right to all her property without any condition. But under the customary law marriage, the parties did not have equal rights in matters of marriage, dissolution and right of property. This was because the marriage was seen as a union not between the spouses but between their two families.

Under the Matrimonial Causes Act and Islamic law, at dissolution of marriage, the interests of the children were paramount, covering custody and related matters. Either parent can be granted custody, unless there was any particular reason why a parent should be refused custody. Under Islamic law upon dissolution, both spouses had equal rights to custody. Under customary law, custody essentially belonged to the man. However, very young children could be left in the custody of their mother until they were old enough to elect. A child derived his Nigeria citizenship from his father or his mother. Also, the report noted that the right to decide the number of children was a function of personal decision of the couple. There had been extensive public enlightenment campaign to educate women of the gains of smaller families. An attempt was made to peg the number of children per woman at four. The move was strongly decried as being discriminatory of women and was dropped.

(f) Property Rights: Except under customary law which varied from place to place, women's rights in Nigeria to own property was not legislatively hampered. In fact, all State Governments in Nigeria treated married women as unmarried for the purpose of allocation of land and Government built low-cost houses. Under customary law, a woman had no right to her husband's property or income except the right to support. But under Section 70 of the Matrimonial Causes Act 1970, a wife of a

monogamous marriage who was in a better financial position than her husband, had a duty, upon dissolution of the marriage, to maintain him and the Court would order financial relief for the husband. In all customary law systems, the wife had no right to her husband's estate when the marriage is terminated by divorce. Under Islamic law the wife owns property different and distinct from her husband's. Her husband's property is family property. On his death, she has a share in the estate.

With respect to the adoption of babies by childless couples, single parents or purely for humanitarian considerations, this was not yet a very widely accepted concept at the time of the report. However, in some States, there were adoption laws under which persons who were considered fit and proper may adopt babies that were either abandoned or born by women or girls who were ill-prepared to raise them. Priority was given to childless couples even though single or unmarried women were known to have adopted children. The law itself did not discriminate but one noticed that the discretion of the administrative officer-in-charge counted a great deal. As reported, to achieve its set objectives, the Family Support Programme supported and collaborated with government in the implementation of programmes in the following sectors: (i) Health (ii) Education (iii) Women in Development (iv) Agriculture (v) Child welfare and youth development (vi) Disability and destitution (vii) Income generation (viii) Facilitating the provision of shelter for families from ongoing housing programmes of government.

For the implementation of these programmes, national coordinating committees were established at the National, State and Local Government levels to cope with the challenging demands of the Nigerian family. The First Lady and the initiator of the Programme was the grand matron of the Programme while the National and State Coordinating Committees were the focal points for the advancement of women in the line Ministries. A cross section of Non-Governmental Organisations were members of the coordinating committees at all levels, in order to establish core projects of the Family Support Programme, and funding for government programmes. Such projects being established were maternal and child care centre, shopping complex and a recreational centre.

The Family Support Programme (FSP) had a nationwide acceptance and continued to provide a cushioning effect on the hardship of structural programme in the country. Right from inception, the FSP had successfully implemented projects tailored towards attaining its set objectives by focusing on the following programme arena: Health Programmes: The Family Support Programme had identified the need for a specialist Hospital for Women and Children for early detection of disease that endangered their lives and laid a foundation on the 2 November 1995 for the construction of the referral hospital, the first of its kind in Nigeria.

Similarly, to combat child morbidity and mortality, a task force on National Programme on minimisation (NPI) was inaugurated by Her Excellency, The First Lady, Mrs. Maryam Sani Abacha on December, 1995. The NPI was launched on 26 July 1996 and children and women were nationally being immunised free right to the grassroots. All the States had embarked on projects for the promotion of good health and alleviation of poor sanitary conditions in the family and society. The efforts of the FSP in recognition of the role of education in the setting up of a committee to fashion modalities for the establishment of a special university for women, and the task force on Girl-Child education. Child Rights implementation Committees were also inaugurated at both National and State levels.

The implementation of the FSP projects resulted in the: (i) Establishment of multi-purpose centres and vocational centres for specific skill acquisition; (ii) Provision of day-care centres and nursery schools; (iii) Intensification of class literacy programmes and provision of Guidance and Counselling Services. (iv) Income Generation: - The Family Support Programme placed emphasis on income

generation as a tool for encouraging units towards self-reliance and self-sufficiency. In this regard, the FSP promoted the establishment of micro-enterprises, arts and crafts, etc. (v) Agriculture: The FSP in its concern for the availability of food for all at affordable cost promoted agriculture. It procured and distributed agricultural inputs such as fertilizers, farm implements and improved seedlings. Irrigation schemes for dry season farming and tractor hiring schemes were also arranged for women farmers at subsidised rate in the States where such services were required.

The FSP activities also focused on the improvement of quality of life for the aged widows, the disabled and destitute. To this effect, it embarked on the development of widowhood rehabilitation centres, schools for the disabled, construction of resettlement homes for the aged and destitute, supply of artificial limbs and wheel chairs to the disabled and leper colonies. (vi) Zonal workshops were organised to enlighten and sensitise Nigerian women on the twelve critical areas of concern to women in the Beijing Declaration and Platform of Action which was adopted at the Fourth World Conference on Women held in Beijing, China, in September, 1995.

9.5 Concluding Observations on Nigeria's Initial Report

The Committee considered the combined second and third periodic report of Nigeria at its 396th and 397th meetings, on 2 July 1998. In introducing the reports, which covered the period from 1987 to 1994, Nigeria's representative noted that they demonstrated the progress made since the 1986 initial report and identified the remaining areas of difficulty in the promotion of equality between women and men in Nigeria. The Committee noted that the reports addressed the impact of external factors on national efforts to promote equality between women and men, and were an indication that there had been an awareness-raising campaign concerning the need to have more women legislators and senators. She further said that women had been elected into local government councils and the state and federal legislatures. However, the Government remained unsatisfied with the small number of women in elective positions.

The Nigerian representative noted that, although education and training promoted equality between men and women, certain cultural and traditional practices and beliefs remained obstacles to women's full enjoyment of rights, including in the context of marriage, inheritance and land ownership. The representative informed the Committee that a National Committee of Women and Children reviewed all laws relating to women and children in order to bring them into conformity with the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. The National Commission for Women Decree had established a National Commission for Women in 1989 to coordinate the implementation of programmes to facilitate and enhance the advancement of women in Nigeria. The Commission had been upgraded to the Federal Ministry of Women's Affairs and Social Development. In addition, the state Ministries of Women Affairs and Social Development had been established in the 36 states of the Federation.

Continuing, the representative informed the Committee that the Ministry of Women's Affairs sought to raise awareness among women and men of the need to empower women and to forge a new partnership based on mutual respect for the family. To this effect, the Ministry of Women's Affairs had emphasised the importance of education and the acquisition of skills for women and girls. The representative described several temporary special measures which had been adopted by the Government, including education committees relating to women, the appointment of women to decision-making positions and poverty alleviation measures to improve the economic status of women. She noted that the Convention on the Elimination of All Forms of Discrimination against Women had been published in a simplified version by the Ministry of Women's Affairs and Social Development.

She also noted that traditional practices had affected rural women more than urban educated women. The 1979 constitution, particularly Article 31, addressed certain of these practices, and

seminars for women had been organised to discourage these traditional practices. Domestic violence was seldom reported because of fear of reprisal and lack of response from law enforcement officials. Statistics relating to this problem would not be available until women were motivated to report domestic and other forms of violence. They described measures to inform Nigerian women of the Beijing Declaration and the Platform for Action, including the production of instruction manuals and workbooks on the 12 critical areas of concern.

She further noted that commercial banks frequently denied women credit because of a lack of creditworthiness, and the Government had implemented several credit schemes, including the Family Economic Advancement Programme, which operated credit facilities for women and family units for the promotion of family enterprises. She went on to inform the Committee that the rural woman played an essential role in the agricultural sector, but had only been recognized in development plans within the last decade. She described several Government measures to address that situation. In conclusion, the representative noted that although significant progress had been achieved, much work still needed to be done in order to eliminate some of the customary, traditional and religious practices which impeded the advancement of women

In its concluding comments, the CEDAW Committee commended the Federal Republic of Nigeria for having ratified the Convention in June 1985 without reservations. The Committee also commended the Government on the level of the delegation, led by the Minister for Women's Affairs and Social Development. The Committee noted with satisfaction that progress had been made in some areas since the previous report. Such progress included the establishment of a Ministry of Women's Affairs and the Advancement of Women and an increase in school attendance rates for girls as well as literacy rates for women. The number of women in decision-making posts had also increased. The Committee commended the Government of Nigeria for improving rural women's access to drinking water and electricity.

On the factors and difficulties affecting implementation of the Convention, the Committee noted the predominance of cultural stereotypes that were prejudicial to women. The Committee was also disturbed to learn about the continued existence of such practices as polygamy, inhumane rites undergone by widows, female circumcision and similar customs, which presented serious dangers to the physical and emotional health of women and violated their fundamental human rights. It also observed that the co-existence of three legal systems, civil, religious and customary, make it difficult to adopt and enforce laws which genuinely protect women's rights.

The Committee regretted that the Government did not reply to all the questions raised in connection with the second and third periodic reports. The Committee recommended that Nigeria include answers to these questions in its next periodic report. The Committee was highly concerned about religious and customary laws and practices in the family context that violated women's human rights. It therefore recommended that effective measures be taken to change laws and cultural norms which allowed such practices as polygamy, one-sided repudiation, unequal subsistence rights and shares, as well as preventing women to travel without the permission of a male relative. Nigeria's ratification of the Convention without reservations notwithstanding, the Committee was concerned that the Convention was not being implemented within an adequate legal and constitutional framework. To this regard, the Committee recommended that the Government should fully respect the commitments and obligations arising under the Convention and that it should adopt all necessary measures to this effect.

The Committee also expressed concern over the lack of statistical data in the reports and said that while there were financial constraints in this context, the use of statistics allowed a clearer understanding of progress since the previous report, including in the areas of domestic violence, prostitution, women's labour, including in the informal sector, and women's and children's health.

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The Committee recommended that the Government should collect statistical information disaggregated by sex in all areas of importance in the lives of women and that such data should be used in future reports. Another cause for concern was the inadequate representation of women in the judiciary. On this, the Committee recommended that temporary special measures in accordance with Article 4, paragraph 1, of the Convention be adopted to increase the participation of women in the judiciary.

The Committee expressed similar grave concerns over the various forms of violence against women that existed in Nigeria and the absence of laws, programmes and policies to address this serious problem. Its recommendation is that the Government collect information on this issue and introduce and enforce appropriate laws, programmes and policies to confront all forms of violence against women. It further recommended the establishment of shelters for victims and the introduction of measures to ensure that women were protected from reprisal where they reported their victimisation. It also recommended the introduction, at all levels of education, of courses on women's and children's rights, as well as public awareness campaigns with regard to these issues.

Notwithstanding the Government's efforts in the field of education, the Committee was concerned at the low literacy rate among women and the low attendance rate by girls at secondary institutions. The Committee encouraged the Government to increase its efforts through implementation of a specific programme to reduce illiteracy among women, particularly in rural areas, and promote access by girls to secondary education. It further called on Government to ensure that primary education was free. Other causes for concern were the absence of statistics and information on AIDS and sexually transmitted diseases. The Committee also noted that polygamy and prostitution were serious risk factors in the spread of sexually transmitted diseases. It therefore recommended that statistical data and information be compiled on the incidence of HIV/AIDS and other sexually transmitted diseases.

The Committee was alarmed by the high rates of maternal and infant mortality and the lack of medical facilities for women and children. The Committee urged the Government to increase its efforts to guarantee access to medical services and hospital medical facilities, particularly in the context of women's health needs. The Committee noted that family planning programmes must be available to all, including young women and men, and stressed women's right to receive informed and reliable medical care. The Committee recommends that free access to health services should be a priority for Government. In this regard, it recommends that the Government take account of the recommendations of the United Nations Development Programme with respect to sustainable human development.

It likewise noted with concern that rural women had little access to education and to credit facilities. The Committee recommended that the Government strengthen its socio-economic programmes so as to reduce discrimination suffered by rural women. The Committee requested the wide dissemination in Nigeria of the present concluding comments in order to make the people of Nigeria, and particularly Government administrators and politicians aware of the steps that have been taken to ensure de facto equality for women and further steps that are required in that regard. It also urged the Government to continue to disseminate widely, and in particular to women's and human rights organisations, the Convention, the Committee's general recommendations and the Beijing Declaration and the Platform for Action.⁵⁶

⁵⁶https://www.un.org/womenwatch/daw/cedaw/cedaw25years/content/english/CONCLUDING_COMMENTS/Nigeria/Nigeria-CO-2-3.pdf - Accessed 10/18/2022

9.6 Nigeria's Fourth and Fifth Periodic Report

The Fourth and Fifth Periodic Report built on the 2nd and 3rd Country Report, covering the period 1986-1994. It was submitted to the 396th and 397th Meeting of the UN Committee on the Elimination of All Forms of Discrimination against Women held on 2 July 1998. The fourth report was a compendium of the status and situation of Nigerian women as they related to the articles of the convention over the period 1994 - 2002. The periodic report highlighted the progress made so far in view of the areas noted by the Committee. The report was divided into three parts. Section A dealt with introduction; Section B the progress on the implementation of CEDAW, and Section C on conclusion.

According to the Report, in order to evolve a national strategy for the submission of the report, an initial consultative meeting was convened on the 25 and 26 April 2001 in Jos, Nigeria. In attendance was a cross section of representatives from the Civil Society, Academia, Donor Agencies and Government officials from relevant Sectoral Ministries and Agencies. The meeting adopted a country strategy and work plan in addition to highlighting the roles and responsibilities of the different agencies. Subsequently, the work plan was updated by the Federal Ministry of Women Affairs to accommodate observed gaps and technical capacity needs of the stakeholders.

The Ministry of Women Affairs also set up a 13-member technical committee for the report writing, and in response to the identified needs, specialised training workshops were organised to assist stakeholders understand the CEDAW indicators and guidelines for the writing of the Country Report, namely: ECA training for Zonal Gender Desk Officers on Monitoring and Evaluation of the Implementation of the Beijing Platform for Action in September 2001; Training workshop for the members of the National Consultative and Coordinating Committee (NCCC) and the National Technical Team of Experts (NTTE) on CEDAW Report Writing in September 2001; The training workshop for CEDAW Technical Secretariat Officers, Consultants and NGOs on CEDAW Report Writing in February 2002.

In addition to the above developments, the Federal Ministry of Women Affairs and Youth Development placed newspaper advertisements, in three (3) national newspapers calling for inputs from the general public. An electronic mailbox was also opened at the British Council Resource Centre to facilitate participation of all and sundry in the preparatory process. Responses to the advertisements and calls for electronic inputs, though low, were a departure from previous absence of opportunities for an all-inclusive general public input. The data collection process for the preparation of the 4th and 5th periodic country report on CEDAW was conceptualised and undertaken through the following phases: Preparation and formulation of questionnaires; training for data collection; itinerary for field work, data collection, collation, analysis and harmonisation.

A team of experts from various stakeholders at Federal and State levels was put together under the leadership of the Federal Ministry of Women Affairs and Youth Development to prepare and formulate questionnaires for the preparation of Nigeria's CEDAW Report. The team utilised the list of CEDAW indicators as working material to guide data sourcing. 140 indicators captured the 16 CEDAW articles. The team worked assiduously for three days and came up with two types of instruments. Questionnaire 1 titled, "Situation Report on CEDAW in Nigeria 2002", was a ten-page qualitative instrument for sourcing primary and secondary data applicable to 37 items of inquiry. Data from this instrument generated information on the situation and status of CEDAW implementation in Nigeria.

Questionnaire 2 titled, "Data Collection/Collation for CEDAW Reporting", on the other hand, was a four-page quantitative instrument for sourcing secondary data from established institutions, agencies and organisations on women's representation and visibility in different sectors. A three-page manual of instructions was also prepared to guide interviewers on data collection and collation procedures in the field. In order to verify and validate States' submissions of reports in response to earlier

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requests by the Federal Ministry of Women Affairs and Youth Development, the data collection and supervision exercise was planned to span a period of two weeks in each of the zones. The interviewers consisting of the consultants and researchers ensured proper completion of the questionnaires and gave necessary guidance to respondents in the Ministries and Agencies covered. Provision was made for recording the genders and ranks of respondents for effective analytical purposes.

The State Ministries of Women Affairs and Youth Development as key stakeholders, served as the focal point in each state for the data collection exercise to ensure effective coverage and cooperation. Retrieval of data generated from the 36 States and FCT, Abuja, of the Federation was the responsibility of the consultant in each zone. Collation of zonal data and harmonisation of findings into a draft national report was undertaken by the consultants, national researchers, data analyst and officials of relevant Sectoral Agencies at a four-day Harmonisation Workshop held in Jos, Plateau State. The draft Country Report was subjected to open analysis and review at a National Stakeholders Review Workshop organised in the first week of July 2002. The finalisation workshop was preceded by a peer review of the draft report by the Consultants, National Researchers and the Academia. The stakeholders review and finalisation of the country report attracted the participation of State Ministries of Women Affairs and Youth Development, Gender Desk Officers of Sectoral Ministries and Agencies, the Academia, a cross-section of NGOs, the Media and representatives of United Nations Agencies.

The United Nations Development System in Nigeria provided commitment and support towards the attainment of the goals of Government, strategies and component activities employed for the writing of the periodic report. Particular recognition was given to the unwavering collaboration received from UNIFEM and UNICEF towards ensuring that the Periodic Report was successfully completed and submitted on schedule using the desired methodology. The efforts of these two UN organs and other agencies such as UNFPA, ILO, WHO, UNDP as well as USAID/OTI and International Development Agencies were also acknowledged. Consequently, numerous advocacy media campaigns, education, research studies, sensitisation programmes, production of IEC materials, training, seminars and mobilisation of women for participation in governance have been undertaken as collaborative ventures between the donors, national, state and local groups. The Situation Assessment Analysis (SAA 2001) Report jointly produced by the National Planning Commission, and UNICEF Nigeria provided updated indicators and status reports on cultural practices, policies and programmes in the country.

According to the report, Nigeria, with a projected population of 124m people is a multi-ethnic and multi-cultural society. The vast diversity of the land and people is reflected in its landmass of 923,678 square kilometres and the existence of over 350 ethnic groups with distinct languages. Although women constitute 49.6 percent of this population, land ownership is largely governed by patriarchal practices guided by culturally specific norms. The Federal system of Nigeria operates three tiers of government: Federal, State and Local Governments. The Constitution recognises six geo-political zones, namely: North Central (Middle Belt), North East, North West, South East, South-South and South West. The States comprising these zones are shown in the table presented below:

Name of Zone	States within the Geopolitical Zone
South West	Ekiti, Lagos, Osun, Ondo, Ogun, Oyo
South East	Abia, Anambra, Ebonyi, Enugu, Imo
South-South	Akwa-Ibom, Bayelsa, Cross-River, Delta, Edo, Rivers
North Central	Benue, FCT, Kogi, Kwara, Nassarawa, Niger, Plateau
North East	Adamawa, Bauchi, Borno, Gombe, Taraba, Yobe
North West	Kaduna, Katsina, Kano, Kebbi, Sokoto, Jigawa, Zamfara

Reporting on progress on the implementation of the Convention on the Elimination of all Forms of Discrimination Against Women, it was noted that Nigeria is a signatory to CEDAW, which was signed in 1985 and equally ratified the Convention in 1989 and the optional protocol in 1999; therefore, its implementation should serve as an expression of its assent to the definition of discrimination and provide a check on discriminatory practices against women. Section 42 of the Nigerian Constitution of 1999 guarantees freedom from discrimination. However, there are corresponding customary tenets practised in many states of the Federation, which specifies the gender roles in the customary system.

By the constitutional obligations consistent with sections 13-15, 16(1) (b), 17-18 and 42 of the 1999 Nigerian Constitution, the three arms of government, i.e., the Executive, Legislature and the Judiciary are competent organs for the promotion and protection of women against all forms of discriminatory practices, policies and laws in Nigeria. The Court of Appeal amply demonstrated its competence and effectiveness by declaring three customs in Enugu and Anambra States as discriminatory against women and violative of women's rights and human dignity in the following cases: Theresa Onwo v. Nwafor Oko and 12 others (1996) 6 NWLR (Pt. 456) at 584; Augustine Mojekwu v. Caroline Mojekwu (1997) 7 NWLR (Pt. 512) P. 238; Mojekwu v. Ejikeme (2000) 5 NWLR (Pt. 657) P. 402; and Alajemba Uke and Anor v. Albert Iro (2001) 11 NWLR (Pt. 723) at P. 203

It was remarked that as a result of urbanisation, education, public enlightenment and national awareness, the patriarchal nature of Nigeria and other negative cultural practices militating against women, were fast eroding. Women had seriously advocated for Affirmative Action and as such, the participation of women in decision-making bodies had been on the increase. Women were being elected and appointed as Councillors, Chairpersons of Local Government Councils, Members of National and State Legislative Houses of Assembly, Management Staff, Directors, Permanent Secretaries, Commissioners, Vice Chancellors, Judges, Special Advisers, Ambassadors and Honourable Ministers. The percentages of women elected or appointed at the different levels are indicated in Tables 7 and 8.

On Article 2 on obligation to eliminate discrimination, it was reported that progress had indeed been made since 1998 in the promotion of women and elimination of discrimination. The Federal Government and other arms of government including the States had expressed their readiness to work at equality of men and women in fulfilment of the Constitutional provisions. In the area of political appointments at the Federal level, there were 13.6% female Ministers, and 27% female Permanent Secretaries. Furthermore, women were heading a number of National Institutions and Agencies, namely, NCWD, NAFDAC, NEPZA, NIIA, NEMA, NACA, NPI, Comptroller General of the Nigeria Immigration and NATCOM-UNESCO, etc.

More women were also elected to positions even though the improvement ought to be better. There were three (2.8%) female Senators out of 109, and 12 (3.3%) female members of the House of Representatives out of a total of 360. A significant outcome of the democratic climate in the country was the emergence of a female presidential aspirant for the 2003 national elections. A major democratic gain was in the area of judicial appointments. Most of the 36 States and Federal Capital Territory (FCT) judiciaries had women as High Court Judges, accounting for about 30% of the total number of Judges in the country. Lagos State apart from having a female head of the judiciary set a record with thirty-four (34) female judges out of a total number of fifty-two showing 65% representation. Similarly, since the Beijing conference, three (3) more women were appointed to the Court of Appeal but there was as yet no woman in the Supreme Court. The Chief Judge of the Federal High Court of Nigeria was a woman. At the lowest level of the judicial system, which is the customary courts, the Southern States, witnessed women being appointed presidents and members, which seemed impossible several years ago especially in the Igbo- speaking States.

According to the fourth report, in Nigeria, there were various socio-cultural, economic, political, legal and religious impediments to the promotion and protection of women's rights. In the Northern part of the country, while some provisions of the State Sharia Criminal Laws had not checked discrimination against women, there were other provisions in the same laws, which protected women's rights against discrimination; for example, Section 239 of the Zamfara State Sharia Penal Code Law 2000 prohibited and punished for trafficking in women. In the case of Safiya Hussein of Sokoto State, the problem lay with the trial Sharia Court Judge who misapplied the substantive Penal Law and failed to observe all the procedural guarantees available to accused persons like Safiya under the Sokoto State Sharia Criminal Procedure Code Law of 2000; hence under Section 187(2) of the same Code, the Sokoto State Sharia Court of Appeal allowed Safiya's appeal and quashed her conviction on the ground of miscarriage of justice contrary to the intent and purposes of the Sharia Criminal justice system reflected in the Code.

In the Southern part of Nigeria, there were numerous customary laws and practices such as widowhood rites, women inheritance and succession to property, which impeded the promotion and protection of women's rights. It was remarked that other discriminatory laws and policies in Nigeria were to be found in the provisions of the Nigeria Police Regulation 124 and 127, and Nigeria tax laws and policies. Taxation of women in the public sector was still based on the preposterous premise that married women have no family responsibilities and were maintained by men, hence where both worked, the men had the tax relief for children and dependants while women did not. The Police regulation that placed restriction on married policewomen officers while in service was discriminatory. For example, women officers could not marry without the prospective husband undergoing screening. This however, was not applicable to the male officers.

Furthermore, some provisions of the 1999 Nigeria Constitution were discriminatory against women, especially in the areas of language (Section 131), on citizenship (Section 29), and in the construction of Section 42 that prohibited discrimination on the ground of sex. This was because the section preserved equal status for men and women only in relation to law but did not extend the protection to practice, neither did the provision protect women from private actors.

In relation to measures to eliminate discrimination, it was reported that most States of the country in their efforts to protect women and the girl child had enacted laws to eliminate discrimination. Among these were those laws related to Widowhood practices and Female Genital Mutilation (FGM) also known as female circumcision; Prohibition of Infringement of a Widow's and Widower's Fundamental Human Rights law, No. 3 of 2001, Enugu State; and Edo State Law Banning of FGM, October 2000 (the punishment is one thousand Naira fine and six months imprisonment). Others include Prohibition of Early Marriage (Kebbi and Niger States); Retention in schools and against withdrawal of girls from schools (Kano, Borno Gombe and Bauchi States); and Trafficking in Women and Children (Edo State Criminal Code (Amendment) Law, 2000). In addition to these, Section 239 of Zamfara State Sharia Penal Code Law 2000 punishes trafficking in women by a two-year term of imprisonment and fifty lashes.

There were provisions for legal aid to assist women, particularly the poor in the fight against discrimination. For instance, the celebrated case of Safiya Hussein who was sentenced to death by stoning for adultery and was as a result of legal aid and assistance received from the Federal and State Ministry of Women Affairs, and the Civil Society that enabled her appeal against the trial judgement to the Sokoto State Sharia Court of Appeal which overturned the lower court's judgement. The National Policy adopted in July 2000 was another expression of the government's commitment to the full integration of women into national development in order to remove those inequalities that had evolved in the society over time through structures and processes created by patriarchy, colonialism and capitalism. The policy was expected to consolidate largely salient revolutionary changes already stimulated by past and current Women Development Programmes and to pilot the

Nigeria society towards social equity, justice and a much-improved quality of life. The laudable objectives and implementation strategies contained in the policy should inform social and legislative changes in Nigeria.

The Federal Government in its efforts to promote women advancement established the National Consultative and Coordinating Committee (NCCC) as contained in the African Regional Conference (ARC) for monitoring and evaluation of the implementation of the Beijing Platform for Action and the African Plan of Action. To further increase women's participation in politics and eliminate discrimination in this sphere of life, the Federal Ministry of Women Affairs and Youth Development (FMWAYD) established the National Action Committee on Women in Politics (NACWIP). The committee was working to develop strategies for effective mobilisation and participation of women to register, vote and be voted for in the next electoral process. NACWIP's activities also aimed at eliminating discrimination against women in politics. The Bills for the domestic application of CEDAW and CRC were before the National Assembly.

A National Women's Rally was held to mark the 2002 International Women's Day and the forum was used to further sensitise Nigerian women on the need to participate in politics. It was also used to launch "Women's Money for Women's Election" so as to raise funds for assisting female political aspirants in the 2003 elections. The rally had over 8,000 women in attendance. It was an immensely successful outing and effective for reaching the grassroots women from the 774 Local Government Areas in the country. President Olusegun Obasanjo attended the rally in the company of his wife and other key government functionaries and politicians. The State governments and NGOs organised seminars, workshops and other activities for promoting the rights of women and eliminating discrimination. Measures were being put in place to modify/abolish existing laws adversely affecting the implementation of CEDAW, including the repeal of all national penal provisions, which constituted discrimination.

The report noted that measures to redress discrimination that the enthronement of democratic rule in Nigeria after a long period of military rule were characterised by greater commitment to work on the implementation of the provisions of CEDAW. This was discernible from the fact that in addition to the 1999 Nigerian Constitution there was a spate of legislations enacted in the State Houses of Assembly all targeted at eliminating discrimination against women. It was expected that before the expiration of the term of the administration in 2003, many of the Bills pending before the Federal and State Houses of Assembly would have become laws. In addition: At the Federal level, the adoption of the National Policy on Women in July 2000 has the objective of ensuring that the principles and provisions as contained in the Nigerian Constitution are effectively enforced.

- Translation of CEDAW provisions into the three major Nigerian languages and circulation to the grass roots: Copies of CEDAW handbooks were also circulated.
- Provision of Information, Education and Communication (IEC) materials for creating awareness and educating the general public on the fundamental rights of women and the need to eliminate discrimination against them.
- NGOs have also supported the Federal and State Governments in the creation of awareness and sensitisation of the general public on discrimination against women.

Other areas in which government efforts have made noticeable impact are in the support of empowerment and enlightenment programmes addressed to women, institutions, students and the general public. Some of these programmes have also targeted such relevant professional groups as lawyers, judges and legislators at all levels. At least more than 70 percent of State Houses of Assembly in Nigeria currently have women empowerment Bills before them. The pioneering role of a Supreme Court Judge in the case of *Mojekwu vs. Ejikeme* (2000, 5NWLR part 657 page 402) in recognising and citing CEDAW as a standard to be followed is being encouraged for sustenance. It is expected that more courts in their own "interpretation" would learn to invoke the spirit of CEDAW

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as is already being done in some parts of the country – that is, using the repugnancy doctrine where necessary.

The FMWAYD had a Legal Aid Centre and is providing support to all States Ministries of Women Affairs and Youth Development to replicate same. The National Centre for Women Development, a parastatal under the FMWAYD had a Women Crisis Centre that was concerned with providing legal counselling among other counselling services. Also, the Legal Aid Council, a Federal Government Organ present in all States of the Federation had Women Legal Aid Unit, which, specifically catered for poor women in need of legal aid in criminal cases. Several NGOs in the country have been engaged in legal representation of indigent women who have had their human rights violated but cannot pay for legal services. Individual lawyers also take cases pro bono for poor women.

Responding to Article 3 which dwells on measures for ensuring the full advancement of women, the report declared that the 1999 Constitution of the Federal Republic of Nigeria stipulates that Nigerian woman are entitled to all the fundamental rights guaranteed there-in and can challenge in court, any attempt by any person to interfere with the exercise of any of these rights. Actual Progress made to promote and ensure the elimination of discrimination against women. It added that the Federal Ministry of Women Affairs and Youth Development established at both Federal and State levels by Government as reported in the previous Country report was charged with the responsibility of pursuing policies and programmes aimed at according women their full rights to participate in the economic, social and political affairs of the nation.

In addition to the Ministry, other bodies set up towards the advancement of women included the National Action Committee on Women in Politics (NACWIP) which was charged with the responsibility of mainstreaming women into active participation in politics through advocacy, mobilisation and fundraising activities; National Consultative and Coordinating Committee (NCCC) made up of gender experts and NGOs, which were set up at the national level to monitor CEDAW implementation; National Technical Team of Experts (NTTE) comprising gender desk officers from sectoral ministries and agencies which was set up to monitor the implementation of the Beijing Platform for Action and ensure gender main-streaming in all sectors; National Human Rights Commissions (NHRC) with a Special Rapporteur on women and child rights attesting to promotion and protection of women's rights; and Legal Aid Council, which provides free legal counsel to women.

Other giant strides included activities of coalition of Non-Governmental Organisations (NGOs) and Community Based Organisations (CBOs) in the following areas: Setting up of Family Law Centres in some states to assist aggrieved women in the pursuit of their rights in the law courts; Combating trafficking in women and children; Educating, sensitising and promoting women development issues; and Implementation of programmes for the protection of women's rights. As reported, their activities immensely contributed to the implementation of CEDAW.

On measures towards addressing the girl-child, it was noted that there was an increased awareness of the needs of the girl-child who was often caught in a societal cultural web. They suffer wide-ranged and deep-rooted discriminatory practices and socio-cultural barriers that restricted their access to education. The Nigerian government in its commitment to this critical area of concern was pursuing several activities viz: The Federal Ministry of Women Affairs and Youth Development has submitted the Child Rights Bill at the National level while the States are working on similar Bills at their level; The National Summit on Children held in November 2000 served as a forum for analysing and reviewing programmes evolved for the development of the Nigerian child; The Revised National Policy on Education (1998) encourages girls to embrace technical education; The Universal Basic Education (UBE) programme, though not restricted to girls, provided for compulsory education for all children from primary to junior secondary school level. It had special emphasis on dismantling cultural and other militating factors to girls' education and offered

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incentives for girls' education; Establishment of Drop-in Centers in all parts of the country; States' laws and edicts on development of the girl child; States' laws against withdrawal of girls from school for marriage; Establishment of States Task Forces for development and promotion of the welfare of the girl-child; and Establishment of Unity Schools for girls in each State of the Federation. It was also reported that vibrant NGOs had sprung up to address the needs of the girl-child, particularly the handicapped and vulnerable children.

The report noted that women in Nigeria still faced barriers that hindered their full participation in various aspects of social life. This was due to entrenched cultural beliefs and attitudes, which put girls at a disadvantage in education and hindered women's enjoyment of their rights to employment and participation in political and public life. In the area of politics, the level of women's representation was still low. For example, female representation in the National Assembly was about 3.4 percent after the 1999 elections. Nonetheless, there had been marginal increases in the number of women elected to the Federal House of Representatives from 4 in 1979 to 12 in 1999. Nigeria had only three female Senators as opposed to 106 male Senators. Out of 49 Ministers in 1979 only three were women representing six percent of the cabinet. The figure rose to six out of 44 in 1999-2000 an equivalent of 13.6 percent, thus witnessing a 7.6 percent increase in representation in the Federal Cabinet. Some States had over 35% female cabinet members, while some had Attorney Generals and Secretaries to State Governments (SSGs). The low level of women's participation in the three tiers of Government (Federal, State and Local) depicts the resilience of patriarchal attitudes.

Although Nigeria had not yet domesticated CEDAW, government had made deliberate efforts to fulfil its obligation under the Convention. Thus, during the reporting period, a number of measures were taken. Notable amongst these were the positioning of women activities in the National Economic Policy, the pursuit of the National Poverty Eradication Programme (NAPEP) and the Poverty Reduction Strategies Programme which aimed at eradicating poverty. Government has resolved to uphold affirmative action in the operations of the latter and selection of beneficiaries by earmarking 30 percent allocation for women. However, efforts were being made to engender the national budget and to generate and analyse data on women's activities in the informal sector, which was currently unaccounted for in the GDP.

It noted that since the inception of democratic governance in Nigeria, deliberate attempts had been made to increase women's participation in both political and public life. Thus, a specialised measure tagged "Agenda 2003" geared towards raising funds and mobilisation of women to contest in the 2003 elections at all levels, had been put in place by a coalition of women NGOs. As an initial step to launch this initiative and ensure the success of the strategy, a "National Women's Rally" was held on the 8 April 2002 to present the Nigerian women's political agenda to the government, the general public, as well as sensitise and mobilise women for political participation. In the same vein, a number of the registered political parties had also made positive concessions to encourage women's participation in politics while the ruling Peoples Democratic Party (PDP) had introduced a waiver of the mandatory registration/nomination fees for women aspiring to any elective post on the party's platform. The All Peoples Party (APP) had also declared that in the event of a tie between a male and a female contestant from the party during the primary elections, the male candidate would step down for the female. To add to all these, negotiations were on for the establishment of women constituencies in the political system.

According to the report, the National Policy on Women adopted in July 2000 provided for affirmative action to increase to 30% the total women representation in the legislative and executive arms of Government as well as the political party hierarchies. The policy was a significant redirection of public policies to promote gender equality and enhance the complementary role women and men should play in development. The overall goals and objectives of the policy included ensuring the elimination

of all forms of discrimination against women; ensuring that the principles and provisions as contained in the Nigerian Constitution were effectively enforced; and mainstreaming gender perspectives in all policies and programmes based on a systematic gender analysis at all levels of Government.

On protection of maternal health, the report noted that Government had taken some measures on adolescent health by approving the National Curriculum on Sexuality Education. Further measures could be found in the National Policies on Reproductive Health, on Nutrition and on HIV/AIDS. There were also a number of policies in the health sector that were relevant to reproductive health. Foremost among these was the National Health Policy and Strategy (1988, 1998), which emphasised Primary Health Care as the key to the development of the Health Care Delivery System in Nigeria. The National Policy had a number of provisions, which if strictly implemented could have led to improved access to basic health services including reproductive services for all population groups. However, the level of access did not reflect strict adherence to this policy.

The Federal Government formulated the National Food and Nutrition Policy in Nigeria to deal with major nutritional problems with a view to reducing under nutrition, especially among children, women and the aged, and in particular severe and moderate malnutrition among under-fives by 30% by the year 2010; reduce micronutrient deficiencies, particularly Iodine Deficiency Disorders (IDD), Vitamin A Deficiency (VAD) and Iron Deficiency Anaemia (IDA) by 50% of the current levels by the year 2010.

Although there had not yet been a comprehensive national study on mother to child transmission (MTCT) in Nigeria, the report noted the relative risk of each form of MTCT (in utero at delivery and through breast feeding) was yet to be determined, but efforts were ongoing to put in place a strategy for the prevention of MTCT. Other special measures that were taken to promote gender equality included the establishment, albeit in limited numbers, of day-care centres and crèches within office premises and hospitals in 8.1% of the States of the Federation and the FCT. This was to help women cope with their family and official responsibilities unhindered. Over 90% of the States in the Federation had expanded their Primary Health care services for the benefit of women and girls. Vesico Vaginal Fistula (VVF) Centres were also established in the 6 high prevalent States of Zamfara, Kano, Katsina, Kebbi, Sokoto, and Akwa-Ibom to provide free treatment for the patients.

In spite of the progress made, there were still deep-rooted cultural attitudes regarding gender roles, which had been a limiting factor in achieving the desired goals. The concept of special measure advocated in Article 4 to ensure women's advancement was non-discriminatory as it was expected to help redress gaps and imbalance between men and women. Various laws statutory, customary and religious laws in force in Nigeria address different areas in reproductive health. However, many of these laws did not reflect the reproductive health concept and so were inadequate to meet the needs of actualising reproductive rights as contemporarily understood.

On the issue of gender roles and stereotypes covered under Article 5, it was reported that women's advancement had been curtailed by certain cultural, traditional and religious practices that were based on stereotyped roles for men and women, which placed women at disadvantaged position. Modern education and a greater understanding of the positive productive and reproductive roles that women play in development have led to the gradual elimination of such beliefs. There now exist social, cultural and religious practices that promote the advancement of women. For instance, women are now being conferred with chieftaincy titles in their communities; and some churches also ordain women as preachers and prophets while taboos prohibiting women from eating certain foods are no longer observed.

According to the report, the Federal Ministry of Women Affairs and Youth Development conducted a National Survey on Harmful Traditional Practices in 1999, in conjunction with the United Nations

Development System (UNDS). The results of the survey provided data for National and State advocacy for legislation to review such practices. Consequently, Government, both at the National and State levels had taken steps, including legislations in 33 percent States of the Federation to combat harmful practices against women, which included Female Genital Mutilation (FGM), Early Marriages, Shared Maternity Roles and widowhood practices. At the Federal Level, the House of Representatives had successfully passed the Bill on FGM. These steps, coupled with enlightenment and advocacy programmes, resulted in reasonable decline of these harmful practices against women.

It was further noted that modernisation/urbanisation has helped to reduce to an extent, cultural and traditional practices that are discriminatory to women by sensitising them to their rights. Urbanisation also provides job opportunities to a reasonable percentage of women, especially in the informal sector thus enhancing their economic empowerment and independence. In order to curb domestic violence against women and children, a number of NGOs had been in the forefront of creating awareness while some had established safe houses for victims of such violence. This service and type of information, however, was limited to few urban centres located in Ekiti, Lagos and Ogun States as well as Abuja. Nevertheless, some of these safe houses had remained undisclosed for reasons of security and avoidance of re-victimisation. The progress made in the implementation of this article is however, limited to the urban centres. Prejudices and customary practices that denied women the full enjoyment of their rights still existed in rural areas due mainly to deep-rooted ignorance and the preference for the preservation of mundane customs. The introduction of the Sharia Criminal Law in some states of the Federation slowed down the progress recorded earlier in those states.

Regarding Article 6 on trafficking in women and exploitation for prostitution, it was reported that sexual exploitation and trafficking in women constituted a grave abuse of rights and was consequently deplored in Article 6 of CEDAW. As stated in the article, countries that ratified CEDAW were expected to put institute measures to stop all forms of trafficking and sexual exploitation of women. Sexual exploitation on a commercial basis had become a very serious problem in Nigeria due to its links with international commercial trafficking in women and girls as well as its role in the transmission of STDs and HIV/AIDS epidemic in Nigeria with a prevalence rate ranging between 4.9 percent and 8.1 percent in 1999 (SAA 2001) among the different age groups and geopolitical zones in Nigeria. Furthermore, the same source indicated that 20,000 Nigerian girls were engaged in commercial sex work in Italy.

To curb this trend, several measures had been introduced to suppress all forms of traffic in women and exploitation of women for prostitution. These included: passage of bill by the Lower House of the National Assembly against trafficking of women and children. There were also laws and policies prohibiting trafficking, sexual abuse as well as prostitution. These laws include various States Sharia Penal Code Laws (different years). For example, the Zamfara State Penal Code Law 2000; Various States Children and Young Persons Law; Sections 223-225 of the Criminal Code of Southern Nigeria, cap. 77 laws of the Federation, 1990; Section 276-280 of the Penal Code Law, 1959 of Northern Nigeria; Various States Child Trafficking and Abuse Laws; Sections 33, 34, 35 of 1999 Constitution; Criminal Code Act (CCA) cap 77 LFN 1990; and Sections 214-233 (offences Against morality)

The report remarked that despite the existence of all the laws listed above, in practice, those involved in the trafficking of women were rarely apprehended and successfully prosecuted. The gains from the trade provided a strong incentive for traffickers who bribed and subverted weak law enforcement and immigration officers while taking advantage of Nigeria's porous borders. It was also noteworthy that some States in the North (Bauchi, Zamfara and Kebbi) had enacted laws against hawking by girls under the age of 18. This was an important legal measure,

which should be emulated by other states as hawking exposed young girls to all forms of sexual abuse and exploitation.

Apart from these interventions at the government level, pressure from other institutions, women groups and NGOs served to sensitise the populace on the negative effects of pornography and morally decadent films. To stem the tide of the scandalous trade in women and sexual exploitation which had done great harm to Nigeria's image abroad, a lot was done to expose the nefarious traffic in women. Civil Society Organisations in the South East and South-South Zones, Women Trafficking and Child Labour Eradication Foundation (WOTCLEF) led by the wife of the Vice President and some other NGOs played pivotal roles in the campaign against trafficking in women and girls. Substantial efforts were made towards raising awareness amongst parents and other major stakeholders in the society on the dangers involved in succumbing to the enticement offered by traffickers. (SAA: 2001). The result was the passage of the Bill on trafficking by the National Assembly. The President appointed a Special Assistant on Human Trafficking and Child Labour. In addition, Nigeria signed agreements with the International Organisation for Migration (IOM) for the combating of human trafficking and child labour.

As reported, Nigeria is a member of the drafting committee in respect of the International Convention against Transnational Organised Crime which will be supplemented by a protocol to prevent, suppress and punish trafficking in persons especially women and children. Furthermore, steps had been taken to develop bilateral cooperation with Italy to curb the trafficking of Nigerian women to that country. Work was also in progress with ILO to develop a regional programme against trafficking of children in the West/Central Africa Sub-Regions. As a result of these concerted efforts, the Nigerian Government initiated the hosting of an International Summit on Human Trafficking, Child Abuse, Child Labour and Slavery.

On Article 7 which dealt with women in political and public life, the report showed that with the ratification of CEDAW in 1985, Nigeria made a commitment to the international community to work towards the elimination of discrimination against women and girls in all spheres, political, economic, social and cultural. However, despite the increased level of awareness raised by Government and other development partners there was very little improvement in the level of involvement of women in decision-making in political and public life. According to the SAA 2001 report, "Women and girls were still far from being able to participate on equal terms with their male counterparts", though there was token representation in the political sphere, indicating a gradual improvement from what obtained about two decades earlier. A typical example was the marginal increase in number of senators from one out of 95 in 1983 to three out of 109 in 1999 (SAA. 2001).

The data on women holding public/political positions showed that the percentage of women in decision-making positions in public and political life ranged from 1.2% in 1992 to 13.4% in 1999. Out of 44 Cabinet Ministers only six (or 13.4%) were women. Out of 36 Speakers in the States Houses of Assembly only one was a female. She eventually resigned due to political pressure from her male counter-parts. There were no female governors, and only one female deputy governor in Lagos State. Nine (or 1.2 %) out of 774 LGA chairpersons were women. 143 (or 1.6%) were women out of 8,810 councillors, and three (or 2.8%) out of 109 Senators; while 12 (or 3.3%) female members out of 360 members was the case in the House of Representatives.

In a bid to reverse the trend of low representation of women in politics and public life as reflected in the preceding paragraphs, several measures were taken by Government, political parties and other development partners in this regard. They include: Negotiation visits to the INEC Chairman as well as Chairmen and Executives of the then existing political parties; mobilisation and public enlightenment by agencies such as National Orientation Agency (NOA), NGOs and the national and states women machinery; Exemption of women aspirants from paying the mandatory registration

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fees and free issuance of forms to women by the ruling Peoples Democratic Party (PDP) as at the time of preparation of this report).

However, compared to the situation about a decade earlier, more women had been appointed into Committees and Boards as well as the judicial and executive arms of government. This was the result of aggressive lobbying, advocacy and sensitisation by women organisations who were critically involved in influencing decision making in political and public life at both the national and community levels. Typical examples were efforts made by the FMWAYD, NCWS, which influenced appointment of women into political positions and COWAN which influenced decision making at the community level by increasing women's access to micro-credit at the grassroots level. These measures would in the long run lead to women enjoying more of their rights.

Apart from the participation rights, which were fundamental, women organisations supported Government efforts in implementing developmental projects at the grassroots level such as training of traditional birth attendants, adult literacy classes and mobilisation of the community for self-help projects. Women NGOs were becoming a strong force in the developmental terrain and making tremendous impact in the lives of women and children in Nigeria through formation of coalitions, networks and strong advocacy groups. Lagos State had a woman as Deputy Governor, while the National Commission for UNESCO had a woman Secretary-General and the National Human Rights Commission had four female board members.

Analysis of Gender Distribution of 1999 Elective Positions

Position	No. of Available Seats		No. of Women Contestants & % of Total		No. of Women Winners % of Total	
Presidency	2		-	0%	-	0%
Senate	109		5	4.58%	3	2.75%
House of representatives	360		29	8.05%	12	3.3%
Governorship	72		2	2.78%		
State Houses of Assembly	990		39	3.93%	12	1.21%
Local Government Chairmanship	774		46	5.94%	9	1.16%
Councillorship	8	810	510	5.79%	143	1.62%
Total	11	107	631	5.68%	181	1.63%

Source: INEC, Elections 1999.

Despite these gains, women in Nigeria still faced an array of barriers to their full participation in the various aspects of social life due to: - Entrenched harmful cultural and religious attitudes/practices - Violent nature of Nigerian politics - Male preference in politics - Practice of Purdah - Misapplication of the Sharia Criminal Law and Justice administration system - Illiteracy - Early Marriage - Widowhood practices - Misconceptions about women in Politics and Public life - Male dominance - Disadvantaged economic status

In response to Article 8 on representation at the international level and provision of access to women to serve in international organisations, it was reported that despite the fact that Nigeria had signed and ratified CEDAW for the last 17 years, there were no special programmes put in place to encourage women to have access to international posts. This condition was an extension of male-dominant ideological stereotype that women were not equal citizens in their own right. The impact

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of this negation of the objective of gender equality as a fundamental principle of CEDAW had left out valuable contributions of women in international fora and organisations. The Report stated that Nigeria has a total of 662 career diplomatic staff of which 69 were women, representing 10.4%. This figure when considered against the backdrop of nearly 50 percent women in the Nigerian population could be described as a "token". Similarly, the total number of Ambassadors was 118 of which 14 were women representing 11.9 percent. On the other hand, table 8.2 indicated that the number of women in International Organisations in the year 2000 stood at 164 (29.6%) as against 390 (70.4%) for men.

There were no mechanisms to specially groom women (or men) towards participating or getting absorbed in international organisations. The only training was in the Ministry of Foreign Affairs where only the members of staff benefit. Consequently, Nigerian women had not secured appointments for the numerous UN vacancy announcements sent to the Federal Ministry of Women Affairs and Youth Development. One major constraint was that the Nigerian Government had not yet fulfilled its obligation to domesticate the Convention. While Women NGOs and relevant institutions were being sensitised on the provisions and principles of CEDAW, pressure was being mounted on the National Assembly to domesticate the Convention. A bill of enforcement had been resubmitted to the National Assembly for consideration. Internationally, there was need for urgent measures to implement affirmative action of at least 30 percent in international representation.

Women in Foreign Service

C	Number
Total Number of Ambassadors	118
Number of Female Ambassadors	14
Number of Career Women Ambassadors	11
Number of Non-Career Women Ambassadors	3
Number of Career Diplomatic Staff	662
Number of Women Diplomatic Staff	69

Source: MFA 2002.

According to the report, and in response to Article 9 on women and nationality, the Nigerian Constitution was in itself discriminatory on the issue of nationality acquisition by registration as contained in Section 26(2)(a). This section stipulated those Nigerian men could have their non-Nigerian wives acquire Nigeria citizenship through registration, but the same was not the case for non-Nigerian husbands married to Nigerian women. Also, Section 29 dealt with modes of renunciation of Nigeria citizenship. Subsection 29(4)(b) recognised a married woman (not married man) who availed herself of this Subsection as being of full age. This implied that a girl married at age 12 should be treated as an adult. However, the Nigerian Constitution of 1999, Section 25(1)(a)-(c) granted women equal rights with men in respect of nationality of their children. The impact of such Constitutional discriminatory provisions and the issue of women's nationality were seen in cases on which important decisions for women's advancement were based.

For example, the Federal Character Commission directed political contestants to go back to their places of origin to contest election. This discriminated against potential women political aspirants

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who had relocated to live with their husbands since marriage in Nigeria was almost exclusively patriarchal. The Report stated that Nigeria was in the process of reviewing its 1999 Constitution. The FMWAYD, Human Rights and Women Organisations as well as other Stakeholders had made submissions to the committees set up by the Federal Government for amendment of Sections 26(2)(a), 29(4)(b) and 42(1)(b) on the issue of nationality.

Although in Nigeria there were no clear legal measures to ensure equal access to education for men and women, Section 18 of the Nigerian Constitution provided that government shall: Direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels without discrimination; Promote Science and Technology; Strive to eradicate illiteracy and shall as when practicable provide: Free compulsory and universal primary education; Free secondary education; Free university education; Free adult literacy programme, the Constitutional provision showed that basic education was non-discriminatory but it had no justiciable backing for any male or female that was denied. The Government stated expressly in the Constitution that it shall provide free education as and when practicable. Taking a cue from the Constitution, State Governments embarked on certain measures and policies to provide free primary and secondary education for the indigenes of the respective States.

Under the National Policy on Education adopted in 1981, revised in 1995 and 1998, Nigeria has a 6-3-3-4 educational system comprising six years of primary education, three years of Junior Secondary education, three years of Senior Secondary education and four years of Higher education. Under the Universal Basic Education, the first nine years of schooling up to the end of junior secondary, constitute the basic education component. The system also includes adult and non-formal education programs as well as teacher training and special education, especially for disabled children. It also indicates age groups for which each tier is intended, the admission requirements, modes of entry, systems of assessments, examining bodies and certificates of completion at each stage.

Actual progress to protect and ensure the elimination of discrimination against women in education under Article 10 were discussed under the following indicators: Total School Enrolment: It was evident that total school enrolments were always higher for males when compared with females in the reporting years. The report found it striking that total male enrolment figure was higher with increasing level of education. This depicted an imbalance in access to education. For example, in 1996, primary school enrolment showed 7,702 males and 6,376 females; Junior Secondary School indicates 1,293 male and 1,157 females and Senior Secondary School 936 males and 815 females. All figures were in thousands.

Total Primary, Junior and Secondary Education Enrolment 1992-1996

LEVELS	GENDER	1992	1993	1994	1995	1996
Primary School Enrolment (Thousand)	Male	8,274	8,931	9,056	8,729	7,702
	Female	6,532	6,940	7,135	7,012	6,376
	Total	14,806	15,871	16,191	15,741	14,078
Secondary School Enrolment (Thousand) JSI-JS3	Male	1,229	1,371	1,520	1,1441	1,292
	Female	1,008	1,177	1,272	1,286	1,157
	Total	2,237	2,548	2,792	2,727	2,450
Secondary School Enrolment (Thousand) SSI-SS3	Male	739	828	906	911	936
	Female	613	694	760	807	815
	Total	1,352	1,522	1,666	1,718	1,751

Source: SAA Report 2001 Comprehensive Education Analysis FGN/UNICEF/ UNESCO and UNDP 2000.

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Above table shows the gender inequality being more pronounced for total enrolment in Federal and State Technical Colleges from 1993/94 to 1997/98 sessions. Less than one-fifth of the enrolment figures for each year were females. The yawning gender gap calls for serious intervention if the principle of the Convention on education will have any meaning in Nigeria.

Enrolment in Federal and State Technical Colleges 1993/1994-1997/1998

	TOTAL	FEMALE	% FEMALE
1993/94	43,715	7,351	16.8
1994/95	41,520	6,888	16.6
1995/96	42,310	7,056	16.7
1996/97	41,372	6,561	15.9
1997/98	43,354	7,553	17.4

Source: SAA Report 2001.

Tables 10.3 and 10.4 provide sets of indicators comparing male with their female counterparts. Table 10.3 shows a trend of Gross Enrolment ratio at different levels of education. The figures show that females had not fared well at all levels compared with their male counterparts. A setback was observed generally at primary school level with a decreasing trend in gross enrolment ratio over the years. As expected, the female gross enrolment ratios were consistently higher for the primary school level. However, at the junior and secondary school level gross enrolment ratios varied from 30.2% to 40.0%. This implies that a lot of children withdrew after primary education. It was also noted that gross enrolment ratios decreased with increasing level of education, accompanied with gender inequality in favour of males for junior secondary education level while a reversed pattern was indicated at senior secondary education level. For the period 1993 to 1996, the females consistently had higher gross enrolment ratio compared with the males.

Gross Enrolment Ratio in Primary, Junior and Senior Secondary Education 1992-1996

LEVELS	GENDER	1992	1993	1994	1995	1996
Primary School Education	Male	91	95	94	88	75
	Female	75	77	77	74	65
Junior Secondary Education	Male	37	40	43	39	34
	Female	33	37	39	38	34
Senior Secondary Education	Male	28.6	31.2	30.9	32.5	32.4
	Female	30.2	33.3	35.4	36.6	35.9

Source: SAA Report 2001.

Primary School Gross Enrolment Ratio by Gender, Zones and Urban/Rural Areas 1995/1999

MICS ZONES	1995			1999		
	MALE	FEMALE	OVERALL	MALE	FEMALE	OVERALL
South West				117.3	112.8	115.2
South East				121.6	117.8	119.9
North West				46.7	35.1	41.2
North East				59.9	55.1	57.6
RESIDENCE						
Urban			97.1	103.0	97.3	100.0
Rural			79.9	78.0	70.5	74.4
Overall	86.8	81.5	84.0	84.0	77.3	80.7

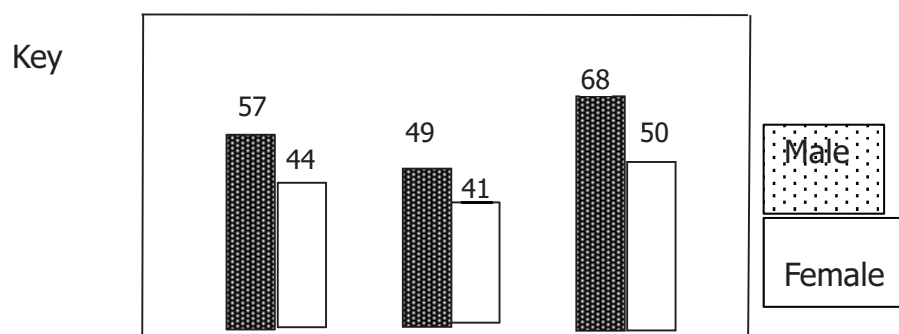
Source : MICS 1999 (FOS, UNICEF A-2000).

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The primary school gross enrolment ratios depicted in table 10.4 reveal a similar pattern as shown earlier. The zonal and residential disparities show that males consistently had higher figures than females. The gross enrolment ratios in the Southern zones were extremely higher compared with the Northern zones for both males and females. For example, male figures depict 117.3% (southwest), 121.6% (southeast), 46.7% (northwest) and 59.9% (North East). The corresponding figures for females were 112.8% (South West); 117.8% (south East); 35.1% (North West) and 55.1% (North East). The gender imbalance was very obvious across the zones while a similar picture was presented for the residence status (rural/urban). In urban sector (103.0% males, 97.3% females) compared with the rural sector (78.0% and 70.5% respectively). Tables 10.3 and 10.4 were from administrative sources, (FME) and MICS (FOS) respectively. In a country with a fairly equal gender population ratio, the enrolment ratios as described above reflected the need to address the inequality in education for girls/women.

Closer examination of figure 10.1 shows that national adult literacy rate declined from 57 to 49 percent while the women rate declined from 44 to 41 percent. The Literacy Gender Parity Index (LGPI), which is a measure of gender equality in literacy, remained about 0.8 percent. Although, the literacy rates declined, there was only little progress made in eliminating the wide gender gap. Overall, 7.3m adults were enrolled in literacy classes between 1990 and 1997, and average of little over 900,000 a year. Out of this, 45 percent were women. Further disaggregation of the literacy figures on zonal, sectoral and age-wise showed consistently higher literacy rates for male as shown above.

Adult literacy rate, 1991 and 1999



Source: SAA 2001.

On employment of women under Article 11, it was reported that the 1999 Nigerian Constitution itself contains the seed for both negative and positive discrimination in relation to the employment of women. Whilst prohibiting discrimination under Section 42 (1) and (2) on grounds of sex among other considerations, it permits special provisions in favour of special groups on various grounds including sex under Section 42 (3), e.g., in respect of any state appointment, or as a member of the armed forces of Nigeria, or the Nigeria Police Force, etc. Thus, the law that prohibits employment of women at night and in underground work, arms an employer with a legitimate weapon against women or the interest group in question, except that the prohibition contained in Sections 54 and 55 of the Labour Act Cap. 50, Laws of the Federation of Nigeria 1990, do not apply to women falling within the middle level and high-level cadres.

The factories Act, Cap. 126, Laws of the Federation of Nigeria 1990, which makes detailed provisions for the health, safety and welfare of workers does not take into consideration the sensitivity and susceptibility of the female reproductive rights/functions and the need to protect the unborn baby; the effect of toxic substances, radio-active materials in women. Little or no research has been carried out to know the extent of the hazards and the ways of eliminating the

hazards. Although there were no manifest discriminatory practices against women in recruitment and employment, the reality was that Nigerian women were far from enjoying equal rights in the labour market due mainly to their heavy burden of domestic work, lower levels of educational attainment, biases against women's employment in certain sectors of the economy or stereotypes at the workplace and discriminatory welfare packages. This was evident in the private sector, particularly among the new generation banks where single girls were required to sign a contract that they would not commit themselves to marriage until after three years of joining the bank and those married were not allowed to have any child at least three years from the date of employment.

There was also a growing phenomenon in the schedule of the banking sector where young girls were employed as marketing officers. These girls were saddled with the responsibility of sourcing customers/funds to meet high targets and when they had been optimally utilised, they were often relieved of their duties by other younger girls, since such positions were not career jobs. Furthermore, women who get married to co-bankers working in the same bank had to resign their jobs. In view of the fact that bank jobs were high paying, most women complied with the policy. There was a wide regional variation in the labour participation rates for women in the country. This largely correlated with low literacy rates and high prevalence of poverty in some regions. There was no doubt whatsoever that women still accounted for only a very small proportion of the formal sector workforce in Nigeria notably in industry, the professions and the civil service. On the other hand, women constituted 95% of magistrates in the three geopolitical zones of the Southern part of the country. The figure was high because the remuneration attached to such jobs was not commensurate with the risks and hazards of the job.

The gender specific division of labour was linked to the traditional perception of women's economic roles, the majority of women being employed in the clerical (typists), sales and service sectors (teaching and nursing professions). A high percentage of women found employment in the agricultural sector where women's involvement in household subsistence farming, animal husbandry, food processing and distribution for additional family income was not taken into account. A high proportion of economically "inactive" females were involved in domestic duties. According to the Federal Ministry of Women Affairs and Youth Development, 1999 Beijing +5 Country Report, women accounted for 18% of the formal sector workforce and only 3 percent of administrative and managerial positions in the country. The gender disparity was even greater in professions such as medicine, engineering and architecture, which remained overwhelmingly dominated by men. However, there were some women representations in education and the judiciary.

As stated, Nigeria witnessed very high rates of unemployment particularly youth unemployment during the military era and the effect still persisted, adversely affecting women. This had resulted in young girls resorting to prostitution and many becoming victims of trafficking and abuse. There was an improved development in the acquisition of basic education and basic trade skills for young women. These were the first conditions for finding gainful employment but as soon as they married and started caring for children their career progression was suspended as a sacrifice for childcare responsibilities. Thus, women's employment was greatly affected by the burden of child rearing activities, which were considered female responsibilities. The inadequacies of childcare facilities greatly affect women's participation in the labour force. Despite these problems, the economic development in the last four years had caused an increase in the participation of women in the labour force.

According to the Report, there were no core professions reserved specifically for men or women. However, there were instances where men were favoured in appointments and deployments to jobs/postings considered strategic and sensitive. Such jobs included, immigration, international postings, armed and national security forces, peacekeeping operations, political appointments into

strategic ministries and agencies, protocol duties and appointments into presidential committees. The reasons adduced for this situation were: nature of the job which often involved frequent mobility and transfers and high frequency of travelling often at little or no notice, male chauvinism, non-availability of women or women's failure to apply for such jobs, irregular working hours, marital status and responsibilities. There was observable subtle gender discrimination in appointments to strategic and sensitive positions hidden under performance/merit (through examinations and interviews) capability, seniority and at times consideration for gender representation. However, the scenario was gradually changing because currently, the Comptroller General of Immigration was a woman, the Minister of State for Defence was a woman and there were female Commissioners of Police.

Field observations/findings indicated that there still existed constraints to security and health of pregnant women, mothers and women in their places of work. Most affected were those in the private sector especially in the manufacturing industries that were exposed to harmful chemicals. Cases of sexual harassment often reported were not documented, hence no statistical data was available. There was no law in place offering protective measures and in these places; there were no existing texts, laws, by-laws or regulations to ensure protection of such pregnant women against hazards of the job. These constraints were basically due to the poverty level and ignorance of these women.

Despite the identified problems, significant changes in the status and quality of women's employment had been recorded since the previous report. These were due to: Increased women's entry into various categories of employment; Current review of labour laws/acts with due consideration to gender; Advocacy for implementation of Affirmative Action through advocacy visits, sensitisation and awareness programmes of Ministry of Women Affairs and Youth Development in conjunction with NGOs and development partners; The National Poverty Eradication Programme (NAPEP), which provides training on skills acquisition for both men and women; Vocational Skills Training provided by Women Development Centres nationwide; Research and documentation by NCWD.

The Report stated that several programmes on sensitisation by Government, NGOs and other relevant agencies were impacting positively on female employment in the country. NGOs had helped to train commercial sex workers to prepare them adequately for meaningful employment. The implementation of CEDAW and Beijing Platform for Action had considerably improved the status of women, raised consciousness about women's issues in organisations and male dominated institutions. As fallout of these, attention was now focused on addressing the remaining obstacles to increasing female participation in the labour force.

In response to Article 12 which enjoins State parties to take all appropriate measures to eliminate discrimination against women in the field of health care services, including family planning, it was reported that Section 17(3) (c) of the 1999 Constitution of the Federal Republic of Nigeria provides that: "The State shall direct its policy towards ensuring that the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused, and that, there are adequate medical and health facilities for all persons". In pursuance of the provisions of the Constitution and CEDAW on health, it was reported that the Federal Ministry of Health with other developmental bodies vigorously pursued programmes for the advancement of the causes of Nigerian women.

In the recent past a number of health care reforms favourable to women emerged. These included a National Reproductive Health Policy as well as a National Food and Nutrition Policy approved in 1998 to improve the general nutrition especially of pregnant women and children. The National Health Policy also set the goal of achieving "a level of health that would enable all Nigerians to achieve socially and economically productive lives". It made provisions for a health system with three

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tiers — primary, secondary and tertiary. The primary level consists of health centres and clinics, as well as outreach services. The secondary level made up of mainly general hospitals, provided curative services and some preventive services, while the tertiary tier provided more specialised curative, rehabilitative and constructive services.

According to the Report, with the inception of democratic governance in May 1999, the Federal Ministry of Health initiated a consultative consensus building process, involving a wide range of stakeholders, to develop a strategy for health sector reform. A medium term Plan of Action for Health Sector Reform for the years 2001-2003 emerged, aimed at employing a combination of practical approaches, increased funding and additional resource mobilisation from donors to achieve tangible improvements in seven key areas such as Primary Health Care, Disease Control, Sexual and Reproductive Health (including STDs and HIV/AIDS), secondary and tertiary care drug production and management coordination with development partners, and organisation and management. Overall data indicated that in 1999 there were 18,258 registered Primary Health Care (PHC) facilities across the country, 3,275 secondary facilities and 29 tertiary facilities. The public sector accounted for 67 percent of PHC facilities, 25 percent of secondary facilities and all but one of the tertiary facilities. However, this number was inadequate considering the population and expansive nature of the country.

On maternal mortality and morbidity, it was reported that maternal mortality ratio and morbidity were principal indicators for assessment of the survival of women. The Maternal Mortality Ratio (MMR) was the number of maternal deaths per 100,000 live births. The Table 12.1, according to 1999 MICS estimated a national MMR of 704 per 100,000 live births. This implies that about one-woman dies every three minutes in Nigeria as a result of delivery complications. The table also depicts a huge urban/rural and zonal disparities in the MMR, i.e., that maternal mortality rate was more than twice as high in the rural areas (828 per 100,000 live births) than in the urban areas (351 per 100,000 live births).

Maternal Mortality Ratio (MMR) in Selected Areas of Nigeria

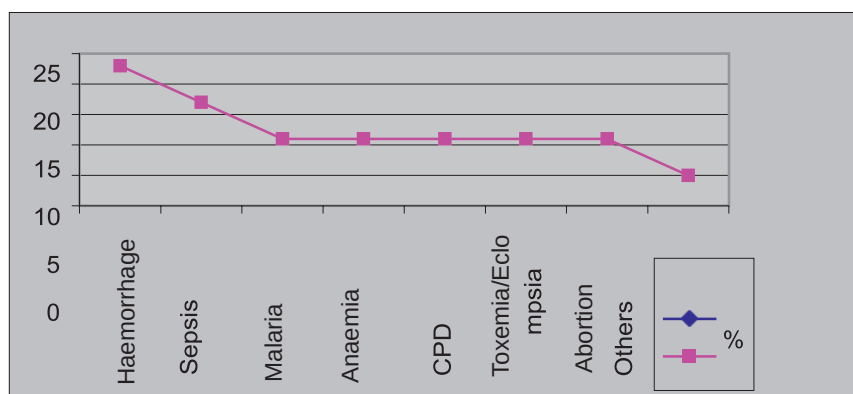
LOCATION	MMR (PER 100,000 LIVE BIRTHS)
South West	165
South East	286
North West	1,025
North East	1,549
Urban	351
Rural	828

Source: MICS 1999 FOS/UNICEF

The primary causes of maternal mortality as shown in the figure below included haemorrhage (23 percent), sepsis (17 percent), malaria, anaemia, abortion, CDP and Toxaemia (account for 11 percent each) and others (5 percent). The Figure also depicts primary causes of maternal death.

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Primary Causes of Maternal Death



Source: FOS

Zonal disparities show that North -East has the highest MMR (1,549 per 100,000 live births), which was almost ten times higher than in the South West (165 per 100,000 live births). The rate in the North West (1,025 per 100,000 live births) was six times higher than the South West. However, the present democratic Government efforts through reactivation and expansion of primary health care clinics and facilities both in the rural and urban areas contributed to bring remarkable reduction of maternal mortality and morbidity ratios in the country.

Infant and under five mortality rates are good indicators for measuring health performance of children on mortality. Table 12.2 depicts the gloomy picture of infant and under-five mortality rates in Nigeria. There was little gender disparity according to MICS 1999 for infant mortality rate which was 105 per 1,000 live births each while the rate for the under-five mortality revealed gender disparity (148 per 1,000 live births for males and 167 per 1000 live births for females). The figures for both infant and under-five mortality rates remain high for both NDHS 1999 and MICS 1999. Nigeria was still far from meeting the recommended goals for both indicators. She was yet to make an appreciable progress on the reduction of both infant and under five mortality rates. Rural areas were significantly worse off than the urban areas. However appreciable progress had been made in the eradication of polio.

Infant and Under-Five Mortality Rates (Per 1,000 Live Births)

IMR	NDHS 1999	MICS 1999
National	70.8	105
Residence		
Urban	59.3	83
Rural	75.0	113
Zones		
South- West	69.9	45
South East	74.3	112
North West	82.6	114
North East	79.4	117
North Central	50.7	N.A.

IMR	NDHS 1999	MICS 1999
Gender		
Male	73.2	105
Female	68.2	105
USMR		
National	133.4	178

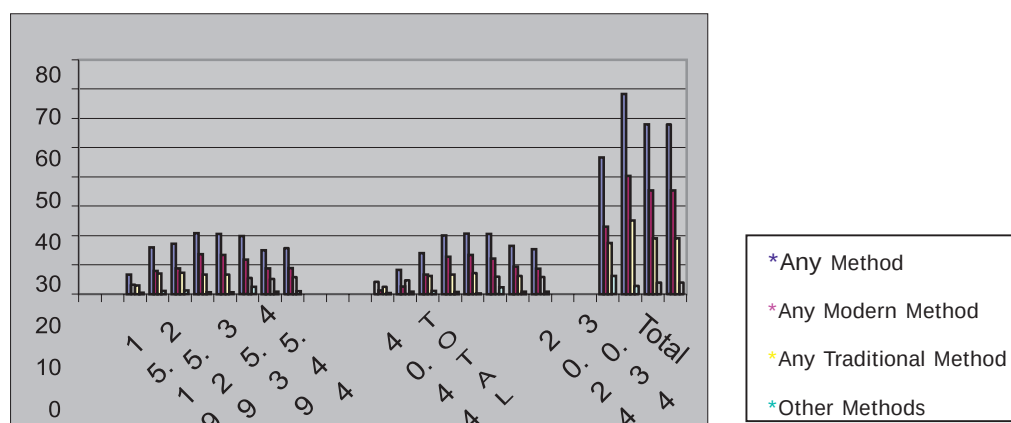
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Residence		
Urban	107.8	129
Rural	142.9	192
Zones		
South West	101.5	119
South East	135.0	131
North West	188.2	217
North East	175.2	199
North Central	84.4	n.a.
Gender		
Male	134.4	148
Female	132.5	167

Source: SAA Report (2001).

The Table shows percentage distribution of women receiving pre-natal care by age group and medical personnel. The figures show that a lot of attention was required for reproductive health and obstetric care in Nigeria. The table depicts that about 45 percent of mothers of less than 20 years of age did not receive any antenatal care, while the corresponding figures for age group 20-34 years and 35+ are 26.1% and 28.4% respectively. Nurses and Midwives account for less than 42% in the other age groups. This was unacceptable and the Government had instituted necessary mechanisms to correct imbalances in the health care delivery system in the country. Available family planning services were under-utilised (Figure 12.2). There was need for improvement and creation of necessary awareness in order to enhance the health of women of reproductive age. Government's efforts through provision of (most of the time) free family planning services had not yielded expected results. The results of prevalence of usage of contraceptive methods in Table 12.3 were reported to be recent and evidence abounded to show that there might have been a backward slide.

Available Family Planning Services



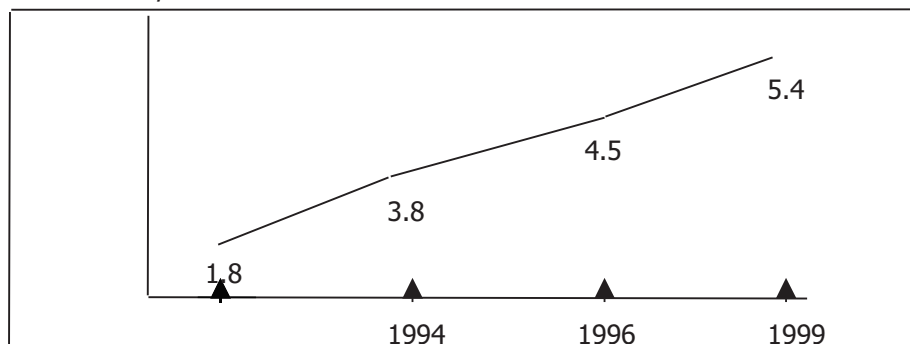
Source: FMOH 1999.

The overall national rate in the use of family planning services was 15.7%, any modern method (8.6%), any traditional method (5.8%) and others (1.0%) for all women. The figures for all currently married women portrayed a similar picture. However, for sexually active unmarried women the rates at the national level for any method, modern, traditional and other methods were 58.6%, 35.4%, 14.1% and 4.0% respectively. These last scenarios were higher than for the earlier groups.

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The report remarked that HIV/AIDS epidemic warranted special attention. It had assumed centre stage in Nigeria, with a rising prevalence rate, which varied from about 1.8% in 1992 to 5.4 percent in 1999. Figure 12.3 shows the pictorial trend of National HIV prevalence rates.

National HIV/AIDS Prevalence Rate 1992-1999



Source: FMOH 1999.

Age-wise disaggregation revealed that adults of age group 20–24 had the highest prevalence rate of 8.1 percent. However, in the six geopolitical zones of Nigeria, this age group had the highest rate of 9.7% in the North Central region. The Federal Ministry of Health was at the advanced stage of establishing in cooperation with other partners, a Behavioural Surveillance Survey (BSS). A National Action Committee on HIV/AIDS (NACA) had been put in place to create public awareness on the scourge. The Committee also coordinated all sectoral programmes and activities in respect of HIV/AIDS control. The FMWAYD was collaborating with NACA on the execution of training programmes for women leaders on Community-Based Care and Counselling for People Living with HIV/AIDS. Two zonal workshops had been held and one monitoring and evaluation exercise carried out. The Child Development Department of the FMWAYD was also being supported by UNAIDS to establish School HIV/AIDS Clubs in selected schools across the country. The Youth Development Department equally had awareness/sensitisation programmes on HIV/AIDS Prevention, Care and Counselling, which target the Youths.

According to the Report, in April 2001, the President of the Federal Republic of Nigeria, Chief Olusegun Obasanjo officially released the nation's multi-sectoral emergency response to the growth and impact of HIV/AIDS and STIs. The HIV/AIDS policy among others: Sought to protect women from the scourge by empowering them to determine their own standards of sexual behaviour; Supported development of training materials for Commercial Sex Workers (CSWs) and definition of values focused on CSWs issues; Protected the rights of all individuals infected or affected by the epidemic and such shall be entitled to standard health care under the National Health Insurance Scheme (NHIS).

So far, the national response to AIDS had recorded some modest achievements. It had been possible to generate a large body of timely data on the magnitude, trend and characteristics of the epidemic as well as to make projections of its future course and implications. There was a significant improvement in the level of awareness about HIV/AIDS among the populace, although there was still a degree of ignorance particularly among women. In general, the civilian dispensation had made a remarkable improvement on health issues. At the Federal level and also in some States in Nigeria, free pre-natal and post-natal treatment for young children and the aged were being provided while in some Northern States free medical services were offered to VVF patients. The general problem from all the States included Inadequacy of Health Clinics in the workplace and Insufficient maternity leave period.

Regarding Article 13 on social and economic rights, it was reported that Sections 13-18 of chapter 2 of the 1999 Constitution of Nigeria dealing with social, economic, educational, health and political objectives are most relevant to socio-economic rights, though non-justiciable. They are, however, couched as constitutional obligations on all the levels and tiers of government in Nigeria. Section 43 of the 1999 Nigeria Constitution states that "every Nigerian citizen shall have the right to acquire and own immovable property anywhere in the country". Worthy of note is the provision of the National Policy on Women, which stipulates the Government's commitment to the promotion and protection of women's socio-economic rights.

Some measures had been put in place to ensure women's economic and social empowerment. These measures were introduced as a result of efforts of National and State Institutions, and Women Non-Governmental Organisations through: Micro-Credit provided by Community Banks, and National Poverty Eradication Programme accessible to about 27% women; Establishment of Women Cooperative Societies in rural areas through the Female Functional Literacy for Health (FFLH) Project which has as its component; Health education, functional literacy and income-generating activities for women in the rural areas. This project was a tripod collaboration between the FMWAYD, FMOH and WHO and had been replicated in 22 States of the Federation; Provision of loans at low interest rates and waiver of collateral for women seeking credit facilities (27% of women had benefited); Establishment of skills acquisition centres throughout the States of the Federation including the FCT, Abuja; Establishment of 3 pilot cottage industries in Kwali, FCT, Abuja, Bayelsa and Yobe States; Pilot projects on modern Bee farming in 10 States by FMWAYD in collaboration with International First Aid Society (IFAS); The National Economic Policy had been engendered and targets set for women's economic advancement; Advocacy and sensitisation workshops and training had been carried out towards engendering the National budget; Initiation of accounting for women's work in the GDP by National Planning Commission.

As reported, the Nigerian environment was such that women and the girl-child had unequal access to education, shelter, health, employment and social security. This was in addition to the traditional and cultural practices, laws and beliefs harmful to women, discriminatory and violative of their socio-economic rights. The Report stated that available statistics show that 90 percent of registered land and properties were in men's names. Data from National Poverty Eradication Programme (NAPEP) similarly indicate that beneficiaries of these programmes were 15% women as against 85% men.

In addition to the above obstacles, the triple system of marriage laws in Nigeria (Customary, Islamic and Statutory) had resulted in a plurality of legal provisions and precedents regarding property rights and inheritance. Under Statutory marriage, the Married Women's Property Act of 1982 gave women the right to acquire, hold or dispose of property, whether acquired before or after marriage. Upon divorce, her rights may be enforced through court processes. Similarly, under the Matrimonial Causes Act, anywhere in Nigeria the courts could rule that women had a share of family property in the event of divorce on equity grounds. Islamic law also gave women right to own and dispose of property including land. Very often women were unable to enforce property rights in a court of law due to ignorance of such rights, lack of financial security and the fear of antagonising their in-laws. Out of the six geopolitical zones of the country, only the South East and South-South zones traditionally did not allow women to own land and other properties.

On Article 14 which focused on women in rural areas, it was noted that during the reporting period, the Government had taken appropriate measures to ensure equality and equity in the rural areas and enhance the development and sustenance of rural resources. The measures and programmes implemented by the government include: The establishment of Women Development Centres in all the local government areas for training in skills acquisition, mass literacy and adult education programmes; Translation of the provisions of CEDAW into three major Nigerian languages for better understanding and wider publicity; Establishment of economic empowerment programmes including

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numeracy and literacy skills acquisition; and Establishment of Female Functional Literacy for Health and Poverty Alleviation Project tagged (FFLH) for literacy and health education of rural women as well as provision of income generation activities in 14 communities in 10 States of the Federation. This was replicated in 10 additional states. As part of this project, women were also encouraged to form cooperatives. Information Education and Communication (I.EC) materials like posters, leaflets and handbooks in local languages were distributed to create awareness and educate the rural community on health and human rights issues, democracy and good governance.

Others are the introduction of the Universal Basic Education (UBE) which targeted the rural communities as the beneficiaries. The construction and renovation of primary and secondary schools in these areas were part of the infrastructural developments for such rural communities. The Federal and State Ministries of Agriculture also targeted the rural communities in the provision of extension services to improve agricultural yields and increase their technical proficiency. There was also construction of and improved access roads for marketing of rural agricultural products. Through sensitisation programmes, rural dwellers were encouraged to form self-help groups and cooperative societies to enable them access credit facilities and loans that promoted increase in economic opportunities and a measure of self-sustenance. This encouraged initiation, planning and participation for self-help development projects.

To ensure the enjoyment of adequate living conditions in the rural areas, both Federal and State governments were improving the housing, water supply, electricity, sanitation and communication facilities in the rural areas in the following sectors: Construction of owner-occupier houses in some local government areas; Provision of mass transit vehicles with subsidised transport fare to facilitate movement in and out of rural communities; Construction of boreholes for regular water supply; Campaigns for the protection of the environment for sustainable development and the extension of electricity services to the rural areas. These policies were necessitated by the poor situation of these facilities and services.

Percentage of women as agricultural landholders

	<i>Urban</i>		<i>Rural</i>	
	<i>1990</i>	<i>1999</i>	<i>1990</i>	<i>1999</i>
Water				
Piped into homes	31.1	24.0	3.3	3.7
Public tap	32.2	25.8	8.4	8.5
Well	2.2	26.5	34.9	34.7
Rivers, spring, surface water	4.9	5.8	51.9	38.3
Tanker/other vendor	8.9	3.6	0.7	0.8
Rain water	0.3	0.7	0.8	0.8
Borehole	N/A	12.4	N/A	9.1
Other	0.4	1.0	0.0	0.5
Sanitary facility				
Flush	29.9	30.6	2.1	4.3
Bucket	1.5	0.3	0.3	0.1
Pit	60.4	55.2	62.2	61.9
No facilities	8.1	12.3	35.5	32.2
Persons per sleeping room				
1-2	43.4	59.0	50.2	67.5
3-4	35.6	25.5	33.6	23.3
5-6	14.7	10.4	10.3	5.2
7+	6.2	3.4	5.6	2.0

Source: NDHS 1990 (FOS/IRD, M 11, A-1992); NDHS 1999 (NPC, A-2000).

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Sources of Water, Sanitation, Facilities and Number of Persons Per Room, 1990 and 1999 (% of households)

<i>State</i>	<i>Percentage of female agricultural holders</i>
Abia	50.0
Adamawa	20.4
Akwa-Ibom	32.1
Anambra	37.6
Bauchi	2.2
Benue	10.0
Borno	5.1
Cross River	30.9
Delta	31.8
Edo	12.6
Enugu	28.0
Imo	44.4
Jigawa	1.9
Kaduna	2.8
Kano	1.2
Katsina	2.1
Kebbi	1.8
Kogi	13.9
Kwara	6.3
Lagos	4.8
Niger	4.5
Ogun	13.3
Ondo	15.5
Osun	14.2
Oyo	10.7
Plateau	5.1
Rivers	35.3
Sokoto	1.0
Taraba	7.1
Yobe	4.7
FCT	6.2
Nigeria	14.0

Source: FOS (NASC 1993/94).

The involvement of women in agriculture, according to Federal Office of Statistics (FOS) showed that the labour participation rate (labour force as a percentage of the economically active population age ranged from 15-59) was 45% for women. Despite their important contributions in the agricultural sector, women were still mainly involved in arduous manual tasks in farming and food processing which were largely undocumented and excluded from the National accounting system. They lacked title to land and had limited access to agricultural inputs such as fertilizer, improved seedlings and agricultural extension services. The Federal Office of Statistics (FOS), National Agricultural Sample Census (NASC) stated that only 14 percent of females were agricultural landholders.

The practice of patriarchy negatively affected the value culturally conferred on womanhood in Nigeria. Consequently, only women who were married were given relatively considerable respect. Socially, married women were better respected because of their husbands' protection. In spite of that, under customary law, wives remained as slaves to their husbands and in-laws. Widows in the Southern and Eastern parts of Nigeria had no protection and their rights were seriously abused, leaving so many impoverished, dehumanised and dispossessed. Under the Sharia legal system,

widows were accorded more rights. They were allowed an in-house compulsory mourning period of four months and 10 days to determine whether they were pregnant for the deceased husband. After the compulsory mourning period, if found not pregnant, they were free to remarry. Widows under the Sharia Law inherit their husbands' properties together with their children.

In most communities in the country, a divorced or separated woman was despised no matter the circumstances of the divorce or separation. She was stigmatised, and became socially vulnerable. This was more pronounced in the Eastern part of the country than in other parts. In Northern Nigeria, separated or divorced women could marry after three months and usually did. Culturally and cutting across most part of the nation, an unmarried woman was marginalised and vulnerable. Unfortunately, what led to her unmarried status was immaterial, as long as she was up to the age of marriage and had not done so or had been unable to do so.

On Article 15 relating to equality before the law, it was reported by the Nigerian Government that Chapter IV of the Constitution of the Federal Republic of Nigeria guarantees every male and female the same fundamental rights. Section 42 entrenches the right to non-discrimination based on sex. Under Section 36 (1) everyone is entitled to a determination of his/her civil rights and obligations by independent and impartial Courts and Special Tribunals. The effect of the foregoing Constitutional provisions is that men and women have equal access to the courts in matters of Contracts, Torts and other Civil Matters. It was remarked however, that due to lack of information, ignorance of the law, and the low status accorded women, some private persons and institutions tend to restrict the legal capacity of women in Contracts. Nigerian courts, however, would usually void such contracts. The persistent administrative bureaucracy that had illegally denied women the right to stand surety in bail matters was being steadily overcome. Law enforcement organs were beginning to accord women this right where they met the stipulated requirements.

As stated above, women are by the same token equal with men before the law in criminal matters. But certain legal provisions and procedures tend to undermine this equality. Some of these include: Section 353 and 360 of the Criminal Code Act (CCA), of Southern Nigeria which make indecent assaults on females a lesser offence (misdemeanour) while similar assaults on males are felonies; Section 55 of the Northern Nigeria Penal Code (PC) allows for chastisement of the wife by her husband; Nigeria's Evidence Law requires corroboration in sexual offences. It is well known that all sexual offences except indecent assault have women and girls as victims; Procedurally, the Criminal Justice System is not protective of women victims of sexual offences. This gave rise to low reporting and prosecution of sexual offences.

On equality in marriage and family in relation to Article 16, the report indicated that there are civil, religious and customary laws dealing with family relations in Nigeria. The civil law as enshrined in the Matrimonial Causes Act (Cap 220 Laws of the Federation of Nigeria 1990) and Marriage Act (Cap 218 Laws of the Federation of Nigeria 1990) permit monogamous marriages causing women married under these Acts to enjoy some legal rights. Regarding benefits, in the event of death of her husband intestate a certain percentage (at least 1/3 of the deceased's estate) is left to the woman. The Acts recognise the equal right of each party to the custody of children; The wife and husband of a monogamous marriage cannot be found guilty of conspiracy except a third party becomes a co-conspirator; A wife cannot be compelled to testify in a law court against her husband under the sections of the Evidence Act dealing with Competence and Compellability and vice versa; The immunity of non-disclosure of facts remains binding on the spouses even after divorce; The wife can sue the husband for her personal property, either before or after marriage.

In the case of Customary Law Marriages, the wife herself is often regarded as the man's property and she is generally not expected to entertain any measure of equality in whatever form. She cannot avail herself of the benefits enjoyed by a woman married under the Act. Upon her husband's death

she is more likely to be dispossessed. This is not the case with the man who at the death of his wife inherits all her properties. Both Customary and Islamic Law marriages are potentially polygamous. The provisions on inheritance in Islamic Law gives some protection to woman's inheritance rights. In the Eastern part of Nigeria widows still experience a lot of discrimination particularly on inheritance laws. Recent advocacy by NGOs assisted by international organisations has led to moves by the judiciary to protect widows from being disinherited.

On legal right for women to acquire, administer and own property, Section 43 of the Nigerian Constitution guarantees every citizen the right to acquire and own immovable property anywhere in Nigeria. The married woman under the Marriage Act also enjoys equal right to the family assets acquired during the subsistence of a marriage and her right to be involved in their disposal during or after the marriage or upon the death of her husband. Education and urbanisation are giving a lot of women confidence to acquire, administer and own property without being discriminated against.

The marriage age prevalent in Southern Nigeria is between 18 and 21 years, while in the North it is between 12 and 15 years. Also, in the Northern part of the country, girls of ages as low as nine years, depending on the age of attainment of puberty, are given out in marriage. The age of men too is as low as 15 years. At the time of filing the report, there was a proposed Bill at the National level to harmonise women's marriageable age at 18, but none for men. The socio-economic environment of the past decades had increased the level of poverty especially for women. The rural/urban and urban-urban migration left a growing number of female-headed households in both sectors. The female-headed household in the informal sector accounted for 13.2 percent as compared to the male-headed household while data from the sample survey show that 16.1 percent were in the urban areas, compared with 12.2 percent in the rural areas. These indicators called for intervention at all levels.

According to the report, the process of domestication of CEDAW under the Nigerian Constitution required the accent of the legislative arm of government which was under due consideration. However, the enabling environment created by the democratisation of the country had contributed immensely to women's participation in the three arms of government. A bill of enforcement was in the National Assembly for enactment. Although cultural practices still persisted, numerous steps had been taken to reduce discrimination against women. Based on findings of the national survey, aggressive and sustained campaigns were being organised so that the desired results could be realised. Government had acceded to the affirmative action to promote gender equality and the advancement of women. Strategies were being developed to sensitise and create awareness for a better understanding and acceptance of this concept. Efforts were being made by government and other stakeholders to ensure that the peculiar needs and interests of women were given due consideration in the review exercise of the 1999 Constitution.

Indicators contained in the report, reflect that woman recorded some measure of progress in their participation and representation in politics and public life. The persistent demand for 30 percent Affirmative Action by gender machineries, NGOs, Women Groups and Coalitions was making desired impact. Sustained media campaigns and other forms of advocacy would go a long way to achieving the 30 percent target. Statistics revealed persistent low levels of female literacy both in the urban and rural areas in spite of the efforts of Federal and State Governments. This could be ascribed to cultural and religious belief systems that had placed lower value on female education. Other limiting factors could be attributed to inadequacies in finance, management, planning, statistics, monitoring and evaluation in the educational sector. There was no available data on the level of illiteracy among rural women. Although school curricula had not been streamlined to teach women their rights, Government and NGOs had developed IEC materials to enlighten women groups and students on their rights. It was, however, hoped that the negative trends would be addressed with the full

implementation of the Government's educational policy which was designed to boost female education through its provision of Universal Basic Education programme.

Despite the discriminatory practices against women in employment, several programmes had been put in place which impact positively on female employment. This has led to a slight increase in the number of women that are gainfully employed. Bearing in mind the low health indicators for women, the Government was spearheading actions aimed at reducing maternal, neo-natal and childhood mortality and morbidity rates through women and child-friendly health services initiatives. These also included efficient family planning services and creation of greater awareness on health education and HIV/AIDS to protect women from the scourge and enhance their reproductive health and rights. Within the reporting period, measures had been taken to ensure the elimination of discrimination against women in economic and social life. This notwithstanding, several obstacles still militate against women's full enjoyment of their socio-economic rights. In order to improve women's access to these rights, the relevant constitutional provisions should be made justiciable.

The report noted that other obstacles to women's equality abound. Accordingly, available statistics supported the fact that the incidence of sexual exploitation on commercial basis and trafficking in women had assumed an alarming dimension in Nigeria. To arrest the trend and redress the situation there were combined efforts by Government and the Civil Society to document the trend, secure legislation, sensitise the public and provide rehabilitation. While Article 14 makes provision for rural women to attain equality and equity in development and sustenance of rural resources, many problems were highlighted in the report that impeded them from achieving these goals. Given this situation, measures and programmes were being put in place by the Government at Federal, State and Local levels to address the issues.

Section 42 of the 1999 Constitution guaranteed freedom from discrimination on the ground of sex and ensured that men and women had equal access to the courts in matters of contracts, torts and all civil matters, however, due to ignorance of the law and the low status accorded to women, the legal capacity of women in contract tended to be restricted in practice. Within the reporting period, the Government had taken notable steps that would improve standards of living for women. The new partnership between Government and Civil Society Organisations (CSOs) under the democratic dispensation created the enabling environment for combating obstacles to the elimination of all forms of discrimination against women in the country.

9.7 Concluding Observations on Fourth and Fifth Periodic Report

The Committee considered the combined fourth and fifth periodic report of Nigeria at its 638th and 639th meetings, on 20 and 21 January 2004. The Committee commended the State party for its combined fourth and fifth periodic report, which was prepared in accordance with the Committee's guidelines for the preparation of periodic reports. It also commended the State party for the written replies to the issues and questions raised by the Committee's pre-session working group and expressed appreciation for the comprehensive oral presentation.

The Committee congratulated the State party for its high-level delegation, headed by the Federal Minister of Women Affairs and Youth Development, and which also included officials from various branches of government as well as representatives of non-governmental organisations, which enabled the members of the Committee to engage in a frank and constructive dialogue with the delegation. The Committee noted the declared political will of the State party to promote women's human rights in the new system of democratic governance and to overcome the obstacles to women's full participation in all aspects of public and private life after years of military rule.

The Committee warmly welcomed the State party's collaboration with women's non-governmental organisations and other interested stakeholders in the implementation of the Convention and the

creation of a democratic society. It noted that Nigeria signed the Optional Protocol to the Convention in September 2000. The Committee commended the State party for including the right to freedom from discrimination on grounds of sex in its 1999 Constitution. It also welcomed the attention being given in the ongoing constitutional review process to the elimination of remaining provisions that were discriminatory to women, including those regarding nationality.

The Committee welcomed the adoption of new federal laws in support of the goal of gender equality and the implementation of the provisions of the Convention, including the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and the Child Rights Act, 2003. It also welcomed the adoption of a number of State laws prohibiting discrimination against women in critical areas such as female genital mutilation, widowhood practices and early marriage. It appreciated the State party's efforts, in collaboration with civil society organisations, to collate all remaining discriminatory aspects of legal provisions and practices, with a view to eliminating them, and to harmonise statutory, customary and religious laws.

The Committee also noted that, despite the fact that the Convention had not yet been domesticated as part of Nigerian law, some courts in Nigeria had explicitly referred to the Convention in arriving at decisions in favour of women's equality and non-discrimination. The Committee welcomed the adoption of the National Policy on Women in 2000 as a framework for monitoring the implementation of the Beijing Platform for Action and the Convention. The Committee also welcomed the adoption of other national policies on education, reproductive health, nutrition and HIV/AIDS, which supported women's empowerment, as well as the establishment of institutional mechanisms to support their implementation.

The Committee was concerned that, although Nigeria ratified the Convention in 1985, the Convention still had not been domesticated as part of Nigerian law. It noted with concern that, short of such full domestication, the primacy of the Convention over domestic law was not clarified nor was the Convention justiciable and enforceable in Nigerian courts. The Committee urged the State party to place high priority on completing the process of full domestication of the Convention. It called on the State party to ensure that the Convention and related domestic legislation were made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to firmly establish in the country a legal culture supportive of women's equality and non-discrimination.

It also expressed similar concern that the State party's Constitution continued to contain provisions that discriminate against women, in particular in the area of nationality and employment, a fact that was explicitly recognised by the State party. It was further concerned at the slow pace of legislative reform to bring discriminatory legislation into conformity with the provisions of the Convention and to eliminate customary practices that discriminate against women. The Committee called on the State party to set priorities, as well as a concrete timetable, for amending provisions in the Constitution and in Federal and State legislation that discriminate against women. It urged the Government of the State party to intensify its collaboration with parliamentarians and civil society in order to enhance understanding by all stakeholders of the State party's obligations under the Convention and to ensure speedy progress towards achieving de jure equality as an essential prerequisite for realising de facto equality of women and compliance with the provisions of the Convention.

The Committee noted with concern the existence of a three-pronged legal system, namely, statutory, customary and religious law, which results in a lack of compliance by the State party with its obligations under the Convention and led to continuing discrimination against women. The Committee urged the State party to take proactive and innovative measures, including full domestication of the Convention, to remove contradictions among the three legal systems and to

ensure that any conflict of law with regard to women's rights to equality and non-discrimination is resolved in full compliance with the provisions of the Convention and general recommendation 21 on equality in marriage and family relations. It also urged the State party to step up its efforts at awareness-raising with regard to the Convention in order to create an enabling environment for legal reform and legal literacy.

Another area on which the Committee expressed concern was the continuing prevalence of violence against women and girls, including domestic violence and sexual harassment in the workplace. The Committee noted with concern that a bill on violence against women proposed in 2002 had yet to be acted on by the National Assembly. The Committee urged the State party to place high priority on putting in place comprehensive measures to address all forms of violence against women in the family and in society and to recognise that such violence constituted a violation of the human rights of women under the Convention, and in the light of general recommendation 19 on violence against women. It called upon the State party to speed up its efforts at adoption of legislation on violence against women, including domestic violence and sexual harassment, and to ensure that all forms of violence against women were prosecuted and punished with the required seriousness and speed. The Committee stressed that all women victims of violence should have access to protection and effective means of redress.

Likewise, it recommended gender-sensitive training for public officials, in particular for law enforcement personnel, the judiciary and health service providers, and the establishment of shelters and other services for victims of violence and sexual harassment. The Committee invited the State party to take awareness-raising measures through the media and public education programmes to make such violence socially and morally unacceptable. On the other hand, it expressed concern over the persistence and social acceptability of harmful traditional practices, including widowhood practices, female genital mutilation, and child and forced marriage, despite prohibitions in State or Federal legislation.

The Committee urged the State party to place the elimination of such practices high on the agenda of the federal and state governments and to bring to an immediate end the apathy of law enforcement agencies with regard to the implementation of existing legislation. On the elimination of the practice of female genital mutilation and widowhood practices, it called on the State party to intensify its efforts to develop and implement a national plan of action, including public awareness-raising campaigns targeted at women and men, in order to end the practices. It also urged the State party to ensure full compliance with the Child Rights Act, 2003, which set the statutory minimum age of marriage at 18 years in all parts of the country.

The Committee encouraged the State party to undertake such efforts in collaboration with civil society organisations, women's non-governmental organisations, and traditional and religious leaders, so as to build alliances and create an enabling environment for the accelerated elimination of such practices, and to achieve compliance with the Convention. The Committee, while recognising the efforts of the State party in combating trafficking in women and the exploitation of the prostitution of women, such as adoption of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and the appointment of a high-level official on human trafficking and child labour, expressed its concern about the prevalence and extent of this problem in Nigeria, which had become a country of origin and transit of trafficked women and girls.

It also noted with concern that the transmission of sexually transmitted diseases and HIV/AIDS is further exacerbated by sexual exploitation in Nigeria. The Committee urged the State party to ensure full implementation of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and to develop a comprehensive strategy to combat trafficking in women and girls, including the prosecution and punishment of offenders, counselling and rehabilitation of victims, and

awareness-raising and training activities for those involved in combating trafficking. It called on the State party to intensify international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It also recommended the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers.

The Committee expressed concern at the low enrolment rates and educational achievement of girls and women, the continuing high rates of illiteracy of women and girls, in particular in rural areas, and the decline in the quality of education. The Committee urged the State party to ensure full implementation of its Universal Basic Education Policy, launched in 1999, and the educational objectives contained in the National Policy on Women, including with the support of the international community. It called on the State party to further prioritise action in the field of girls' and women's education and to raise awareness about the importance of education as a fundamental human right and the basis for the empowerment of women.

It urged that targeted measures with a concrete time frame be taken, in accordance with general recommendation 25, to increase the literacy level of girls and women, in particular in rural areas, to ensure equal access of girls and young women to all levels of education, to prevent girls from dropping out of school, in particular, because of early pregnancy, and to overcome traditional attitudes that constitute obstacles to girls' education. It also encouraged the State party to ensure the accessibility of schools to all children, particularly girls, to create further incentives for parents to send girls to school and to step up the recruitment of qualified women teachers at all levels of education.

The persistence of discriminatory legislation, administrative provisions and practices in the labour market, however, were things over which the Committee also expressed concern. It was equally concerned about women's higher unemployment rates, the persistent wage gap in the private and public sector and the lack of adequate social protection for women in the private sector. The Committee urged the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with Article 4, paragraph 1, of the Convention and general recommendation 25.

Other areas over which the Committee expressed concern were the precarious situation of women's health, the insufficient and inadequate healthcare facilities and family planning services and the lack of access to such facilities. It was similarly concerned about the high rates of maternal mortality as a result of unsafe abortions, just as it was with the persistence of traditional practices that are harmful to the physical and mental health of women and girls. The Committee urged the State party to allocate adequate resources to improving the status of women's health, in particular with regard to maternal and infant mortality. It further urged the State party to increase women's and adolescent girls' access to affordable healthcare services, including reproductive healthcare, and to increase access to affordable means of family planning for women and men. It called on the State party to take measures to assess the impact of its abortion laws on women's health and to introduce a holistic and life cycle approach to women's health, taking into account general recommendation 24 on women and health.

While recognising the efforts made to achieve 30 percent representation of women in public office, the Committee, noted with concern the low number of women in political and public life, especially in leadership and decision-making positions. It also noted with concern that the persistence of stereotypical and patriarchal attitudes, which view men as natural leaders, may preclude women from seeking positions of leadership. The Committee recommended that the State party take measures to increase the number of women in decision-making positions at all levels and in all areas, in the light of general recommendation 23 on women in political and public life. It also recommended

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that the State party introduce temporary special measures, in accordance with Article 4, paragraph 1 of the Convention and General Recommendation 25, to strengthen its efforts to promote women to positions of leadership, including in the diplomatic service. To that end, the Committee implored the State party to increase the availability of training programmes and to enhance its awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.

The Committee, while noting the existence of laws and policies in many areas, including the National Policy on Women and related sectoral policies, strategies and programmes, was concerned at the lack of evaluation of the impact of such policies and of effective monitoring mechanisms, as well as the dearth of data and information disaggregated by sex on the results achieved. The Committee called on the State party to include, in its next report, statistical data and analysis disaggregated by sex on the impact of its policies for the achievement of gender equality and the implementation of the provisions of the Convention.

The Committee encouraged the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to Article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee. It also requested that the State party respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2006, under Article 18 of the Convention. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the Twenty-First Special Session), the special session of the General Assembly on children (the Twenty-Seventh Special Session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing, the Committee requested the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

The Committee also directed the present concluding comments be widely disseminated in Nigeria in order to make the people of Nigeria, in particular government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women, and the future steps required in that regard. It also urged the Government to continue to disseminate widely, in particular to women's and human rights organisations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the Twenty-Third Special Session of the General Assembly, entitled "Women 2000: Gender Equality, Development and Peace in the Twenty-First Century."⁵

The response by the Nigerian Government to the above concluding comments of the Committee on the Elimination of Discrimination against Women on Nigeria's Fourth and Fifth Periodic Report are presented in a tabular form below.

Domesticate Convention and clarify its primacy over domestic laws including its justiciability and enforcement.	Process for domestication of convention on course Primacy of CEDAW established in certain land mark cases
Complete domestication process and make Convention integral part of justice and legal administration system.	As in above, process near conclusion
Continued existence of discriminatory provisions in Constitution regarding nationality and employment of women; slow pace of legislative reforms to eliminate discriminatory practices.	Emergence of a productive collaboration between Government and women and human rights NGOs in the area of strategic litigation within the provisions of the 1999 Constitution of the Federal Republic of Nigeria and the principles of the provisions of

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	CEDAW.
Set priorities with concrete timetables for amendment of Constitution by Federal and State legislatures; Intensify collaborations with parliamentarians, CSOs and other stakeholders to realise de facto equality for women.	Formulation of a gender policy as a tool for mainstreaming gender is one of the concrete strategies Nigeria is employing to achieve the MDGs which by extension encompass the principles of CEDAW. Consequently, a high level of understanding of the concept of gender has emerged and there is significant mobilisation for its mainstreaming in policy frameworks and institutional mechanisms to guarantee the achievement and monitoring of gender equality.
Existence of three-pronged legal system resulting in lack of compliance with obligations under CEDAW.	Findings of survey on contradictions in legal system published and available for reference and wide use
Prevalence of violence against women and sexual harassment at workplaces; 2002 proposed bill on violence against women yet to be passed.	Bill passed in some states of the federation, awaiting passage at the federal level
Recognise violence against women as violation of women's human rights under the Convention and speed up measures to address it; Access to protection, shelter and other services and effective redress for all women victims of violence and sexual harassment; Gender sensitisation training for public officers; Increase public awareness through the media and other education programmes to make such violence socially and morally unacceptable.	Several campaigns on violence against women and girls launched at both federal and state levels, Bill under consideration. Several categories of legal officers, law enforcement and judicial officers trained on women's rights protection and gender issues.
Continued acceptance of harmful traditional practices such as widowhood practices, FGM, Child and forced marriages despite prohibitions in legislations.	Nationwide advocacy visits by Minister of Women Affairs to enjoin Governors, Traditional Rulers and other Public Officers to support implementation of legislations on HTPs and Child Abuse.
Ensure full compliance with the Child Rights Act 2003 which set the statutory minimum age of marriage at 18 years in all parts of the country. Stop all forms of apathy of law enforcement agencies with regards to implementing existing legislation to eliminate harmful traditional practices; Intensify efforts at development and implementation of a national action plan with public awareness-raising campaign to eliminate such practices. Undertake such efforts in alliance with CSOs, Women NGOs, traditional and religious leaders and other stakeholders to create enabling environment for accelerated elimination of such practices in compliance with the Convention.	Increased awareness is on. Nigerian Police has set up human rights desk in all police stations of the federation.
Prevalence of trafficking in women and the exploitation of the prostitution of women. Transmission of STIs and HIV/AIDS exacerbated by sexual exploitation.	Key agencies in place with recorded success to deal with trafficking.
Ensure full implementation of Trafficking in persons (Prohibition) Law Enforcement and Administration Act, 2003 and develop comprehensive strategy to combat trafficking in persons, including prosecution	Introduction of NEEDS (replicated at other levels as SEEDS, LEEDS and FEEDS) with the policy thrust to significantly improve the quality of life of Nigerians and also create social safety nets for vulnerable

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and punishment of offenders, counseling and rehabilitation of victims, capacity building for those involved in combating trafficking. Intensify international, regional and bilateral cooperation with other	groups, particularly women and youth.
Recognise violence against women as violation of women's human rights under the Convention and speed up measures to address it; Access to protection, shelter and other services and effective redress for all women victims of violence and sexual harassment; Gender sensitisation training for public officers; Increase public awareness through the media and other education programmes to make such violence socially and morally unacceptable.	Several campaigns on violence against women and girls launched at both federal and state levels; Bill under consideration. Several categories of legal officers, law enforcement and judicial officers trained on women's rights protection and gender issues.
countries of origin, transit and destination for trafficked persons; Introduce measures to improve economic situation of women to eliminate their vulnerability to traffickers.	
Continuing high rates of illiteracy of women and girls especially in rural areas and the decline in the quality of education.	New initiatives such as school feeding programme and improved sanitation among others launched to increase enrolment. Number of years for basic education increased to nine years.
Ensure full implementation of UBE Policy launched in 1999, and the educational objectives contained in the National Policy on Women, including the support of the international community; Prioritise action in the field of girls' and women's education including sensitisations on the importance of education as a fundamental human right and the basis for women's empowerment; Targeted measures with concrete timeframe be taken, in accordance with general recommendation 25 on temporary special measures, in order to increase literacy level of girls and women, especially in rural areas to ensure equal access of girls and young women to all levels of education, to prevent girls from dropping out of school, especially due to early pregnancy, and to overcome traditional attitudes that constitute obstacles to girls' education; Ensure availability of schools to all, especially girls, to create further incentive for parents to send girls to school and to increase recruitment of qualified women teachers at all levels of education.	Implementation mechanisms reinvigorated and expanded to all states of the federation. Intensive awareness campaign on the importance of girl-child education ongoing across the country
Persistence of discriminatory legislation, administrative provisions and practices in the labour market; Women's higher unemployment rates, persistent wage gap in the private and public sectors and the lack of adequate social protection for women in the private sector.	Nigerian Labour Congress has adopted a gender policy which is designed to guide and engender women's participation in the labour market. Land mark entry of women into leadership positions in the private sector has been recorded.
Ensure equal opportunities for women and men in the labour market, use temporary special measures	Federal Government has adopted measures for enhancement of appointment of women into public sector employment.

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in accordance with Article 4, paragraph 1, of the Convention and the Committee's general recommendation 25.	
The precarious situation of women's health, insufficient and inadequate health care facilities and services; The high rates of maternal mortality resulting from unsafe abortions; Physical and mental health injury of women and girls resulting from persistence of harmful traditional practices.	All tertiary health care facilities in the country renovated and equipped with modern health care equipment. Budget for the year 2006 makes provision for the rehabilitation of primary health care centers across the country.
Allocate adequate resources to improve women's health, especially with regards to maternal and infant mortality. Increase women's and girl's access to affordable health care services, including reproductive health care, and increase access to affordable means of family planning for all. Assess the impact of abortion laws on women's health. Introduce holistic and life-cycle approach to women's health, taking into account general recommendation 24 on women and health.	Many states now offer free ante natal care services to women including emergency care in some cases. Increased access to post abortion care services in the country
Low number of women in politics, leadership and decision-making positions. Persistence of stereotypical and patriarchal attitudes, which view men as natural leaders and might preclude women from seeking positions of leadership.	Affirmative action measures have been acknowledged as a justifiable step to redress the glaring inequalities that are embedded in Nigeria's socio-cultural setting. This was recommended by the NPRC 2005.
Take measures to increase the number of women in decision-making positions at all levels and in all areas, considering general recommendation 23 on women in political and public life. Use temporary special measures, in accordance with Article 4, paragraph 1, of the Convention and general recommendation 25, to promote women to positions of leadership, including diplomatic services. Increase availability of training programmes to women and enhance awareness-raising campaigns to underline the importance of women's participation in decision-making at all levels.	Wide ranging gender sensitive recommendations submitted to National Political Reform Conference. Some of the recommendations are currently being implemented by some agencies e.g. The Federal Character Commission. Gender Affirmative Action Group formed
Lack of monitoring, evaluation and data disaggregated by sex on results of impact of existing interventions, laws and policies aimed at empowering women.	Increased availability of gender disaggregated data due to reform of key statistical outfits e.g., National Bureau of Statistics
Include in the next report statistical data and analysis disaggregated by sex on the impact of policies aimed at gender equality and the implementation of CEDAW.	Updated data provided in current report where available
Ratify the optional protocol to the Convention and accept without delay the amendments to Article 20, paragraph 1, of the Convention on the meeting time of the Committee.	Nigeria has ratified one international instrument, the Optional Protocol to CEDAW (2004), signed and ratified two regional instruments, the African Union Protocol on the Rights of Women in Africa and the Solemn declaration of Gender Equality in Africa.
Respond to the concerns expressed in the present concluding comments in the next periodic report, due in 2006, under article 18 of the Convention.	Initial response forwarded in 2004 and new developments included in current report

Nigeria's 6th Country Periodic Report built on past efforts at implementing the convention within the Nigerian context. According to the report, the administrative and political structure which had been operational since the return to democratic rule in May 1999, still subsisted in the country. The states, local governments and geo-political zones reported in the preceding country report still served as the governance machinery. There were 774 Local Government Areas in the country. There was a three-tiered presidential system of government with the Federal Government made up of an executive arm, a bi-cameral legislative arm and the judiciary. Each State had an independent executive arm and house of assembly while each Local Government was administered by a chairman and a council. The 1991 census estimated a population of 88,992,220 people. Based on the projected growth rate of 2.83% per annum, the estimated population of Nigeria by 2004 was 126 million of which about 49.7% should be women. Results of the March 2006 census were still awaited but were unlikely to change the status of the country as the most populous country in Africa and the tenth most populous in the world. Nigeria was still predominantly rural with approximately one-third of the population accounting for the urban populace while the rural areas accounted for about two-thirds of the population.



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Some progress had been made to restore macro-economic stability between the current and last country report as reflected in Table 1.1. The sharp rise in overall GDP growth rate from 3.49% in 2002 to 10.23% in 2003 and the steep decline to 6.09% in 2004 (Figure 1.1) was attributed to the fluctuating revenues derived from the oil and gas sector. Growth in agriculture, where women were involved in 70% of agricultural work and 90% in animal husbandry also recorded a steady increase, a situation not unrelated to the agricultural drive of the present administration.

Table 1.1 %GDP Growth Rate in RealTerms 2002-2004

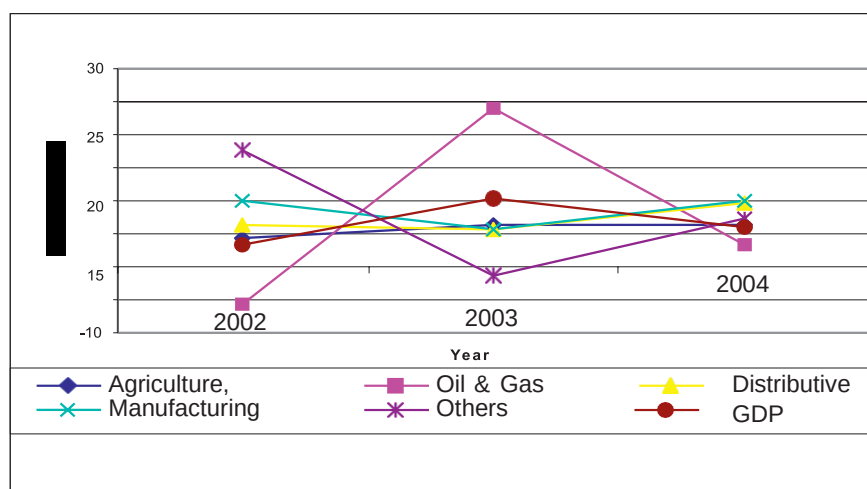
Sector	2002	2003	2004
Agriculture	4.25	6.47	6.50
Oil and Gas	-5.71	23.9	3.3
Distributive Trade	6.48	5.76	9.7
Manufacturing	10.07	5.66	10
Others	17.67	-1.34	7.2
GDP	3.49	10.23	6.09
<i>Source: National Bureau of Statistics</i>			

Table 1.2: Percentage distribution of sectoral contribution to GDP in real terms2001-2004

Sectors	2001	2002	2003	2004
Agriculture	29.66	29.85	28.85	31.46
Oil and Gas	32.65	29.75	33.44	32.56
Distributive Trade	12.85	13.22	12.68	13.12
Manufacturing	4.33	4.62	4.41	4.59
Others +	20.51	22.56	20.49	18.27
Total	100	100	100	100
<i>Source: National Bureau of Statistics: 2004</i>				

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GDP Growth Rate (%) in Real Terms 2002-2004



Source: National Bureau of Statistics: 2004

It was remarked that as part of the preparatory processes for the writing of the 6th CEDAW Country Periodic Report, a series of interventions were mutually agreed by government, CSOs and development partners as critical to the production of a consensus report. These included: Regular participation of civil society in the different steps of the process; Encouraging and involving UN Agencies and development partners to provide technical and financial inputs as related to their respective programme mandates and in response to the recommendations made by the UN CEDAW Committee; Developing and adhering to precise time frame and plan of action for the report writing; Utilising the Concluding Comments and Observations of the CEDAW Committee to the 4th and 5th Country Periodic Report as a point of departure for integrating progress achieved in the 6th Country Periodic Report.

To compliment the ongoing efforts to implement and popularise CEDAW recognition was given to the need for specific actions in the report production. Major activities commenced in October 2005 with the initial consultative meeting of all stakeholders and culminated in the printing, submission and circulation of the report. The meeting reviewed and adopted a country strategy and plan of action proposed by the Federal Ministry of Women Affairs (FMWA). In addition, roles and responsibilities of the different stakeholders were determined and assigned.

To operationalise the national strategy, several stakeholders' consultative meetings and workshops were held, involving a cross section of representatives from the civil society, community-based organisations, academia, development partners, parliamentarians, government officials from relevant ministries, agencies and parastatals. The FMWA then set up a 16-member technical team comprising national coordinators, zonal team leaders, federal research officers and data analysts to spearhead the countrywide data gathering exercise, analysis, and collation of requisite information for the development of the country report. The team was exposed to a 2-day training on data collection. A pre-data collection-briefing workshop for State Ministries of Women Affairs and Social Development officials from the 36 States of the country and the FCT was organised to equip sub-national level officers in sourcing relevant inputs for the data collection exercise.

Other key activities undertaken to enhance broad participation in the report production were: Advert placements in six (6) major national newspapers calling for inputs from the general public (See annexure II); An electronic mailbox (ngcedaw2005@yahoo.com) was created for the general public to make contributions to the report; Development and adaptation of Questionnaires; Logistics for effective data collection, analysis, application and management. Field reports were integrated into a

common format at a collation/harmonisation workshop involving zonal team leaders, national researchers, data analysts and officials of relevant sectoral agencies and CSOs from the 36 States and FCT held in Abuja. The various sessions and meetings convened were well attended and their outcomes were significant in providing new insights to the status of CEDAW implementation. Existing primary and secondary data, field reports and other findings from all the States of the Federation were analysed and harmonised into a single zero draft 6th Country Periodic Report. Responses to newspaper publications were also integrated into the zero-draft report.

A Peer Review meeting was convened to deliberate on, assess and endorse the zero-draft report. Participants included sectoral agencies, development partners, CSOs and the academia. At the end of the peer review exercise, the first draft report was produced. As part of the validation exercise, a Stakeholders' Review Workshop was organised in the Northern, Southern and Central Zones of the country respectively for public scrutiny, reactions and inputs to the draft report. At the end of the stakeholders' workshop a second draft report was produced. A three-day technical finalisation meeting was organised to harmonise inputs from the zonal stakeholders review meeting and produce the third draft report. This version of the report that had passed through different levels of consultation was edited into a final report, ready for submission to the UN Committee on CEDAW through appropriate channels in the Ministry of Foreign Affairs.

Efforts had been made, especially, in the last five years to increase and improve collaboration amongst all groups and individuals involved in gender equality and women development issues on the implementation of the Convention. The FMWA had cultivated partnerships with UN agencies, international organisation, development partners and foundations key among whom were: UNICEF, ILO, UNIFEM, UNODC, UNESCO, WHO, UNAIDS, UNFPA and UNDP. The FMWA also collaborated with other relevant federal ministries like Justice, Labour and Productivity, Information, Education, Police Affairs, Internal Affairs, Foreign Affairs, Finance, National Planning Commission and Health to mention a few.

In addition, the Ministry maintained relationships with its State counterparts and other relevant agencies and parastatals like the National Centre for Women's Development (NCWD), National Human Rights Commission (NHRC), National Agency for Poverty Eradication Programme (NAPEP), National Agency for the Prohibition of Traffic in Persons (NAPTIP) and most importantly the office of the Special Adviser to the President on MDGs. The mass media also collaborated with the FMWA in publicity, public enlightenment and advocacy, especially on reporting abuses and violence against women, and drawing the attention of civil society and the general public to women's achievements and meritorious performance in positions of leadership.

Reporting on Article 1 on definition of discrimination against women, the Nigerian Government noted that in the preceding country reports, Nigeria endorsed and upholds the definition of discrimination as espoused in the CEDAW. Specifically, in the 1999 Nigerian Constitution, Chapter IV Section 42 (1), (a) and (b); (2) and (3) provide for non-discrimination on the basis of gender, religion, ethnicity, age or circumstances of birth against any citizen. To further attest to its commitment to this definition and the constitutional provisions, the Nigerian Government had signed, ratified, and domesticated in certain instances, all international and sub-regional treaties and agendas that uphold the principles and ideals of non-discrimination, promotion and protection of women's rights as human rights as well as the pursuit of women's empowerment and promotion of gender equality. These instruments require member nations to put in place all necessary mechanisms needed to eliminate gender discrimination and accord equality and human dignity to all citizens regardless of sex as fulfilment of their obligations. This singular action, as reported, indicated the country's willingness to fulfil those obligations enshrined in CEDAW and other related instruments and demonstrates by

implication, Nigeria's assent to the definition of discrimination and readiness to place under check, all discriminatory practices against women.

It was noted as significant that the African Charter on Human and People's Rights had been domesticated through AU Charter on Human and People's Rights (Ratification and Enforcement) Act, Cap A9 Laws of the Federation of Nigeria, 2004. It was remarked the Federal Ministry of Justice is the lead agency charged with establishing mechanisms to guarantee basic human rights protection and access to justice. Other law enforcement and regulatory institutions that contribute directly to the protection of citizens from discrimination include the Nigeria Police, National Human Rights Commission (NHRC), Law Reform Commission, Legal Aid Council and the National Agency for the Prevention of Trafficking in Persons (NAPTIP). The Federal Ministry of Women Affairs, Code of Conduct Bureau and Federal Character Commission all work to compliment government's efforts to operate a sound justice administration system that guarantees freedom from discrimination.

The report from the Nigerian Government asserted that the enabling environment created by the democratic nature of the nation's polity had given rise to a vibrant civil society, engaged in the promotion and protection of the rights to women and girls to freedom from all forms of discrimination. Pertinent action included the design and implementation of programmes and activities aimed at challenging structures and systems that often negated the definition of non-discrimination, disempowered women and promoted inequalities. The women machinery at the federal level had also been very active in the quest for gender equity and equality.

In June 2006, the Nigeria Police launched the Human Rights Desk in all Police stations. Police officers would also receive human rights training to enable them uphold human rights tenets in their dealings with the public regardless of gender and affirm in practice, the principles of non-discrimination. It was noted in the report, that in Nigeria, there were still laws, policies and social conventions that permitted discrimination against women. For example, Section 55 (1)(d) of the Penal code which was applicable in the Northern part of Nigeria, allowed a man to beat his wife for the purpose of correction. However, as a result of intensive sensitisation, advocacy and human rights and gender trainings targeted at strategic institutions including the Judiciary, some Nigerian courts had demonstrated sensitivity to the gender dimensions of cases before them. Judicial pronouncements from different courts within the three legal systems in the country showed an inclination for activism to remove from the system, arbitrariness in the way women's issues were addressed. Cases decided in the lower courts were contested in the higher courts of appeal, enjoining judges to pay attention to constitutional provisions and Nigeria's obligations under international law in dispensing with such cases.

Landmark achievements in this regard within the period of reporting include: The ruling of an Islamic Court which upheld a girl/woman's right to choose her partner, with an order for the dissolution of marriage. The ruling took cognisance of the physical abuse of the woman as well as the fact that she was *ab initio* forced into the marriage. Particulars of the case show that in Suit No. TRS/SCA/CV/AP/12/GM/2005, Hafsat Buba's case, the Shari'a Court of Appeal sitting in Taraba State upheld the Upper Area Court's decision and dissolved her marriage to her husband on the ground that her consent was not sought or obtained, and that the marriage was forced on her. It was reported in Jalingo, Taraba State; The ruling of a common law court which dissolved a woman's marriage on the grounds of violence and absence of consent to the marriage. Particulars of the case show that in Suit No. CVSL/97/2000, in the case Husaina Bashir, the Qadis/judges sitting in the Upper Area Court in Mutum Biyu, Taraba State dissolved her marriage to her husband when she alleged that she had suffered persistent physical abuse, in addition to the fact that she was forced into the marriage by her mother and uncle.

Others are ongoing appeal before a Federal Court of Appeal whereby a young lady from Funtua in Katsina State appealed against a judgment of an Islamic Appellate court which denied her the right to marry a man of her choice. The main issues for determination are: (a) The right of a father as Wakil (Guardian) *vis a vis* the right of a mature girl and/or a divorcee to marry a husband of her choice. (b) The validity of the procedure adopted by a lower Islamic Court to contract the marriage with the chosen suitor.

The grounds of appeal include the violation of: Her right as a divorcee (under Islamic law) to contract a marriage; freedom from discrimination based on sex as enshrined in the Nigerian Constitution, freedom of religious beliefs and personal liberty; Nigeria's international obligations regarding discrimination on the basis of sex as enshrined in Article 18(3) of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federal Republic of Nigeria; An ongoing suit (Suit No. FCT/cV/178/2002) before a High Court of the Federal Capital Territory, seeking to defend the rights of five (5) girls who are minors, through a decision to: (a) Uphold the validity of the Will left by their deceased father in which, they are beneficiaries alongside their now deceased mother; (b) To make a declaration that the Igbo inheritance custom depriving the five (5) orphaned girls from inheriting from their father's estate is a violation of their right to freedom from discrimination on the basis of sex as guaranteed by the 1999 CFRN and Nigeria's obligations under international law specifically, the African Charter on Human and Peoples' Rights.

There was also an ongoing appeal before a Customary Court of Appeal in Benue State arising from the award of custody in a divorce suit premised on the HIV/AIDS status of the wife. The appeal (by the husband) challenged the decision of the lower court to grant Ene Oduh Onuh custody of the children of the marriage. The defendant (mother of the children) was seeking that the appeal be denied because the divorce was a miscarriage of justice since it was on the grounds of her HIV status, and that denying her custody solely on the basis of HIV status would amount to a violation of her right to freedom from discrimination under the 1999 CFRN and Nigeria's obligations under the following regional and international declarations and Conventions: African Charter on Human and People's Right (Ratification and Enforcement Act); Universal Declaration of Human Rights; International Convention on Civil and Political Rights; The gains from these initiatives were outcomes of the broad based collaboration and networking of NGOs and the Judiciary in the administration of justice. Efforts by NGOs were on going in the area of conscious strategic litigation.

As reported, in spite of the progress made in promoting women's right, women still experienced discrimination due to the slow pace at which laws relating to women's rights were being passed by the legislature at different levels and the poor enforcement mechanisms of existing legislations. Cultural and religious practices that discriminate against women were still entrenched in the country making behavioural change a major challenge for agents of change.

On Article 2 on obligation to eliminate discrimination, it was reported, that since the submission of the 4th and 5th Periodic Report, additional efforts had been made to fulfil Nigeria's obligations under the convention at the federal, state and local levels, translate the CEDAW provisions into reality, and ensure effective and practical mechanisms for guaranteeing non-discrimination. The domestication of the CRC through the Child Rights Act and promulgation of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, provided legal and institutional frameworks for implementing contemporary provisions stipulated in both the CRC and CEDAW. These included in particular, issues relating to the protection of the girl child from abuse, violence, exploitation and discrimination. By implication, the country had created a legal framework for certain provisions of CEDAW to be justiciable.

There existed a strong synergy and collaboration between the Senate and House Committees on Women Affairs and the Federal Ministry of Women Affairs in the promotion of women's advancement

and the protection of women and children against all forms of discrimination. Furthermore, the House and Senate Committees on Human Rights were tasked with proposing laws and taking other possible measures to remedy the effects of unfair discrimination including ensuring the full and equal enjoyment of all rights and freedom under the Constitution.

The Houses of Assembly of Taraba, Ogun and Lagos States were debating the "Gender and Equal Opportunities Bill: A Bill to Incorporate, Domesticate, And Enforce Certain Aspects of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women, and the National Policy on Women and other Matters Related Therewith". The proposed law was aimed at ensuring gender equality in the States. It was also aimed at establishing Gender and Equal Opportunities Commission in the said states while similar Bills were before other State Houses of Assembly within the Federation. The passage of these Bills into Law and establishment of the commission would guarantee equality of rights between men and women. The government of Kebbi State had prohibited child marriages while laws prohibiting withdrawal of the girl child from school had been passed in Kano, Borno, Niger, Gombe and Bauchi States.

In the South West zone, there was greater commitment by the state governments to combat discrimination against women as evident from the number of bills related to a variety of discriminatory practices awaiting passage. Beside the above bill, there was the "Gender Mainstreaming Bill" while the Bill on "Domestic Violence and Other Related Matters" was before the Lagos State House of Assembly. As additional measures, the Lagos State government had a committee on women affairs in the State House of Assembly, while Ekiti and Rivers States had both established the Office of the Public Defender (OPD) and the Directorate for Citizens Rights respectively, under the States' Ministries of Justice. The OPD offered free legal services to poor and underprivileged women whose rights were threatened or had been infringed. The Ekiti State government on the other hand, had adopted the Child Rights Act and the State House of Assembly had directed its local government authorities to make by-laws in respect thereof. The State had further drafted an "Anti-discrimination Law" which is awaiting passage by the legislators.

As at the reporting period, the CEDAW domestication draft Bill tagged, "A Bill for An Act to Provide for the Enforcement of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women in The Federal Republic of Nigeria and for the Purposes Connected Therewith – 2005", was under consideration as an Executive Bill by the National Assembly. The Constitutional provision for domestication of CEDAW as an international treaty focusing on women's welfare was guided by Section 12 of the 1999 Constitution and falls within the concurrent list of the Constitution, which stipulates that the Federal/National Assembly and State Houses of Assembly are required to make legislations to effect the convention within national laws. By implication, when the Law is passed at the Federal level, for it to become a nationally binding legislation across the country, it must be passed by at least two third majority of all the State Houses of Assembly.

Female and gender concerned activists, civil society organisations and women focused NGOs had formed a coalition known as the National Coalition on Affirmative Action (NCAA) with representation from all over the country. They had commenced active lobbying and sensitisation of legislators in the National and State Assemblies across the nation preparatory to the consideration of the bill. This initiative was to expedite the passage of the CEDAW Bill at the State level and secure the requisite assent by two-thirds majority of the State Houses of Assembly. In addition to the Bill, a partial domestication of CEDAW provisions had been achieved through laws passed by different Houses of Assembly. There were also policies and frameworks of Action that confirmed Nigeria's partial domestication of CEDAW.

According to the report, harmonisation of complex legal systems like that of Nigeria is a Herculean task. However, efforts are currently being garnered towards this objective. The National Centre for

Women Development in collaboration with the Federal Ministry of Women Affairs, Nigerian Law Reform Commission, Legal Aid Council, National Human Rights Commission, FIDA and WRAPA commenced a project in 2003 aimed at compiling discriminatory and customary laws. The project funded by the World Bank, IDF and UNICEF, was completed in 2005 and the publication that emerged as an outcome is titled, "A compilation of the Constitution, National and State Statutes and Regulations, Local Government Bye Laws, Customary Laws and Religious Laws, Policies and Practices and Court Decisions Relating to the Status of Women and Children, Applicable in Nigeria- 2005."

The document explicitly highlighted, the contradictions between the three legal systems operative in Nigeria. This work laid a foundation for a focused approach at the resolution of conflict of laws pertaining to gender discrimination and inequality. The statutes on women examined under the project covered diverse areas such as property rights, including land tenure, access to credit, education, participation in politics, marriage, succession, maintenance and custody of children as well as the issue of domestic violence amongst others. The project acknowledged the complexity of the situation of women's rights in Nigeria which was intricately worsened by the persistence of gender-insensitive customs and negative customary laws and practices. Based on the outcome of the document, the Attorney General of the Federation inaugurated a Committee on Reform of Discriminatory Laws against Women. The committee had drafted the *"Abolition of all forms of Discrimination Against Women in Nigeria and Other Related Matters Bill 2006"* which was before the National Assembly for enactment into law. This Bill, when enacted, would complement the implementation of many CEDAW provisions.

To complement efforts to institute a legal framework that would protect basic rights on an equal basis, a national focal machinery had been designated by government. The Federal Ministry of Women Affairs (FMWA) was the national gender focal machinery situated at the highest level of government. It is replicated in all the thirty-six states of Nigeria. The Ministry worked towards securing sectoral commitments to policy implementation and institutionalising processes required for effective gender mainstreaming among line ministries and other partners. The National Centre for Women Development (NCWD), a parastatal under the FMWA was charged with promoting women's advancement through research, training and documentation. To this effect, the Centre houses the database on women development issues. It generated strategic data and indicators, which informed gender-based sectoral policy making processes in the overall interest and development of Nigerian women. There existed, gender desk officers in over 25-line ministries and agencies that served as focal points on gender issues within their sector.

In 2004, the Federal Government introduced the National Economic Empowerment and Development Strategy (NEEDS), with the policy thrust to significantly improve the quality of life of Nigerians and create social safety nets for vulnerable groups, particularly women and youth. NEEDS focuses on four key strategies: reorienting values, reducing poverty, creating wealth and generating employment. As a necessary complement to NEEDS, State governments and Local governments were developing the State Economic Empowerment and Development Strategy (SEEDS) and Local Economic Empowerment and Development Strategy (LEEDS) including the FCT strategy tagged FEEDS. The different tiers of governments were also encouraged to develop medium-term development plans, specifying benchmarks, targets, deliverables, timelines and implementation guides. These plans would complement the SEEDS and NEEDS and duly recognise that effective local government was critical to reduce inefficient resource utilisation which was in turn essential for integrated rural development and poverty reduction, especially amongst women.

Policy implementation at each level entailed mainstreaming of gender into socio-political and economic interventions to achieve reduction in poverty levels and discrimination against women. To achieve the gender components of the NEEDS objective, Government in collaboration with

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development partners had demonstrated its determination to achieve the MDGs and to promote people-centred sustainable development. The SEEDS and FEEDS reform initiatives at the State level and FCT respectively, were geared towards achieving the MDGs, and a reflection on the gender implication, output and impact of policies and programmes.

During the nine-month period preceding the writing of this report, the Minister of Women Affairs undertook advocacy visits to 20 out of the 36 States of the Federation to consult with state governors, members of the houses of assembly, paramount rulers/traditional councils/gatekeepers and women-based civil society organisations. The aim was to advocate for gender equality issues and concerns especially with regards to the passage of the CRA into law, increase in women's political participation and representation in decision-making arena and increased allocation of resources to children and women's development issues among others. This had resulted in an enhanced working environment for the State Ministries of Women Affairs and increased budgetary allocation for children and women's development issues.

Between 2003 and 2006, many women had been sensitised and mobilised to stand up for their rights. Human rights advocacy groups and coalition of women NGOs had been in the vanguard of advocating improved legislative and administrative response to issues of discrimination against women. In the South Eastern zone of the country, there had been a noticeable improvement in the involvement of women in decision-making at different levels of governance. Women for the first time in the history of the country were being appointed to 'traditional rulers council.' For example, the Igwe's cabinet in the eastern part and some traditional councils in the northern parts of the country.

Furthermore, in the Northern part of Nigeria, there was an upsurge of awareness creation campaigns for Muslim women by notable NGOs like FOMWAN and Baobab for Women's Human Rights on the differences between cultural practices and Islamic tenets. Such awareness campaigns sought to draw Muslim women's attention to the following facts that: - Islam guarantees the protection of civil, social and economic rights of a Muslim woman; - Islamic law stipulates that a Muslim woman has an independent personality that is equal to that of the man in carrying out religious duties; and - Islam recognises that the Muslim woman has complete and total control of her possession, as she is free to choose her partner and has the right to demand for divorce.

According to the report, Goal 3 of the MDG is to promote gender equality and empowerment of women. However, recognition was given to the centrality of gender equality issues to the attainment of all the other MDGs and target through the allocation of an unprecedented N1bn i.e. approximately \$8m. the fund was being used for capacity building on gender mainstreaming across sectors; developing indicators for assessing gender performance in future MDG programming; facilitating the domestication of CEDAW; reviewing the extant women's policy to a National Gender Policy; repositioning the National Centre for Women Development and mobilising women for political participation. With respect to public sector reforms, ministries, departments and agencies were assisted in the development and documentation of their 2007-2009 Medium Term Sectoral Strategies (MTSS) by the budgeting office, to improve the linkage between Federal government spending and fulfilment of MDGs and NEEDS goals. The documents were expected to reflect detail break down of initiatives in tangible programme and projects forms.

The Director General/Adviser Budget Department, a parastatal of the Federal Ministry of Finance invited the Federal Ministry of Women Affairs to participate in the sectoral programme planning for 19 key sectors under the current 2007-2009 Medium Term Sectoral Strategies (MTSS), to ensure that gender issues were fully mainstreamed, reflected and integrated particularly into the 2007-2009 budget. This strategy was aimed at creating and promoting awareness and understanding of gender frameworks and objectives at the sectoral level. Furthermore, the Federal Character Commission recently reviewed its enabling statute to reflect gender components. This would enable women to

have equal access to employment and appointment opportunities with their male counterparts in government establishments and agencies. Gender mainstreaming was being embraced by the various sectors in realisation of its cross-cutting nature.

On progress on addressing violence against women, it was reported that between the last reporting period and the time of submitting this report, the government in realising the level of gender violence in the country, had commenced the setting up of a more concerted effort to curb the intensity of gender violence in the country through the introduction of a comprehensive legal framework. To this extent, the Federal Ministry of Justice had completed and sent to the National Assembly, a draft of the "Elimination of Violence in Society Bill 2006", as an executive bill for passage into Law. The bill reflected Nigeria's international obligations and had several sections defining violence against women and girls and prohibiting such acts in the society.

In support of the various proposed Federal Laws, some State Houses of Assembly made legislation to prohibit violation of women's rights and punish perpetrators of violence especially in Rivers, Anambra, Ogun, Ekiti, Anambra and Edo States. The Criminal and Penal Codes of the various States, made provision for the prohibition and punishment of the rape of females, including female children; neglect to care for children, particularly as regards necessities; defilement of children under the respective ages of 13 and 16; as well as exploitation and indecent treatment of boys and girls.

Public enlightenment and media campaigns aimed at sensitising the general public about the provisions of the CRA formed the bedrock of Government's resolve to fight all incidences of child abuse and exploitation. The Child's Rights Act, 2003 made specific provisions on all issues of child protection, and prescribed appropriate sanctions for their violation. It was counted as noteworthy that the Judiciary was being re-organised with a view to strengthening its independence and integrity. Hitherto, it was difficult to sustain legal procedures against violators of children's rights because of weaknesses in the laws. However, with the passage of the Child's Rights Act/Laws and the Anti-trafficking laws at Federal and State levels, there was ample legal muscle to deal with cases of child abuse and exploitation especially for the girl-child.

The Child's Rights Act further enhanced the situation by providing stiffer penalties for sexual exploitation of children particularly under Sections 31 and 32, which prescribed a punishment of life imprisonment and 14 years jail term respectively, for unlawful sexual intercourse with a child and other forms of sexual exploitation and abuse. Girls in boarding houses were usually under the care of trained matrons, and conscious efforts were being made to ensure that issues relating to girls' private matters were handled only by female teachers. The Federal Ministry of Health since 2004 commenced the commemoration of the 'Female Genital Mutilation (FGM) Day' on the 6th day of February. In 2005, programmes were organised to mark the International Day of Zero Tolerance and commemorate the 'Female Genital Mutilation (FGM) Day'. The series of activities included training about 120 nurse tutors on integration of FGM prevention and management into the curricula of Schools of Nursing/Midwifery/Public Health Nurses/Community Health Officers in four health zones, namely South East, South West, North East and South-South. These activities created an increased level of public awareness nationwide, while some eleven states including Edo, Delta, Ogun, Ondo, Ekiti, Osun, Cross Rivers, Bayelsa, Rivers, Ebonyi and Oyo passed legislation prohibiting FGM.

In commemorating the annual 16 days (25 November – 10 December) of Zero Tolerance Activism on Violence Against Women in October/November 2005, the Federal Ministry of Women Affairs conducted a sensitisation training program for about 50 Police Officers on the issues of violence against women and the need to change the perspective that domestic violence in particular was not a domestic issue but a rights violation that called for sanctions. A one-day media forum was also held in October 2005 to sensitise the press and enlist their support in the campaign on Violence Against Women as part of the commemoration. Furthermore, the Federal Ministry of Women Affairs

was planning to establish a shelter for women victims of violence, provide them guidance and counselling and facilitate access to justice. The shelter would also provide basic health services for girls/women whose rights were violated.

Combating violence against women had been the focus of government agencies and women's rights advocates. A coalition, Legislative Advocacy Coalition on Violence Against Women (LACVAW) was formed and was actively working in all states of the federation to advocate the enactment of laws and the development of programmes towards eradicating violence against women in Nigeria. The Violence Against Women Bill 2003, which was put together by members of the Coalition as a legislative tool to deal with the problem of violence against women in Nigeria, was presented to the National Assembly and was published in the National Gazette in May 2003. However, because it was not passed during the last legislative session in 2003, the process had to begin again. Within the reporting period, the Bill was widely circulated through public education sessions organised by members of the Coalition, which resulted in the revision and harmonisation of the provisions of the bill by a joint committee of the Coalition, the House Committee on Women Affairs, representatives of the Judiciary and the National Human Rights Commission.

Advocacy on the bill had been successfully undertaken in all the 6 geopolitical zones in the country by LACVAW members and Ebonyi State had already passed the Law on Violence Against Women as a state Law. Notable NGOs and some members of LACVAW in the country were in the vanguard of promoting a democratic society free from violence and abuse, where the human rights of women and girls were recognised in Law and practice. The level of violence cases being reported in the country was still very low, compared to the perceived occurrence. Violence cases were under-reported because of socio-cultural beliefs, which permitted secrecy and held that family matters should not be taken outside the home setting. Other reasons were the stigma associated with reporting cases like rape, incest and other assaults. Consequently, as at the time of this report, exact figures of incidences of violence and cases prosecuted could not be ascertained.

However, according to the report, some NGOs had functional legal clinics to provide free legal aid to women and young people whose human rights were abused. Legal aid was given in the form of counselling, mediation and other alternative dispute resolution options, or through litigation and representation in the courts of law. The programme to combat child trafficking in Nigeria, which was part of the anti-child trafficking project under the UNICEF/FGN Programme of Cooperation 2002–2007, was under implementation during the reporting period. The objectives of the programme were to support the establishment of two transit centres for trafficked children in Kano and Akwa-Ibom States the programmes are to provide an immediate protective environment with safety, shelter, security, food, clothing, health services and income generating activities for victims of human trafficking. The project was funded to establish a functional mechanism for trained officers and care givers in providing standard services to victims of human trafficking, rehabilitation and family reunification.

Furthermore, anti-child trafficking working groups and networks were set up in four zones of the federation. The networks, established at the state and zonal levels, fostered closer collaboration between law enforcement agencies, NGOs, CBOs and state ministries on reporting incidences, rescue, repatriation, and reintegration of victims of internal and external trafficking. Information about trafficking routes was routinely shared among members of the network to enhance investigations and prosecution efforts. This was done through regular interactions among members, monthly meetings of the state working groups and the quarterly meetings of the zonal working groups. In addition, the ministries of women affairs and NGOs now coordinate repatriation and rehabilitation of victims in collaboration with the law enforcement agencies. Thus, victims of trafficking were diverted from police custody to improved rehabilitation centres.

On gender and power relation dimensions of HIV/AIDS, the breakdown of HIV/AIDS cases in Nigeria showed that more females were infected than males. This was due to inability to negotiate safe sex, gender inequality, limited access to information on health status of their partners and to HIV Counselling and testing (HCT) as well as the practice of polygamy. Although both genders were vulnerable to the pandemic, there were differentials in the impact, behaviour, attitudes and coping mechanisms for women and men. Data revealed that knowledge on ways to prevent contraction of HIV/AIDS was generally higher among males than females. The report noted that since the inception of the present government, the national HIV/AIDS response had enjoyed significant political commitment as evidenced by the fact that the Presidential AIDS Council, the highest decision-making body on HIV/AIDS was chaired by the President. The implication of this was that the campaign against HIV/AIDS was being led by the President of the Federal Republic of Nigeria and had already extended to other arms of government and opinion leaders. HIV/AIDS control had been integrated into the country's Primary Health Care System with decentralisation to the LGAs, as a cornerstone policy that integrated HIV Control at the grassroots with responsibility put in the hands of women.

The National Action Committee on AIDS (NACA) is charged with ensuring multi-sector and multi-level participation of relevant stakeholders. State Action Committees on AIDS (SACA), Local HIV sentinel surveillance was established to monitor trends in the epidemic and assess the impact of the response. The 2005 HIV and syphilis sentinel survey was conducted from August 29 to November 26, 2005. The objectives of the survey were to determine HIV prevalence among pregnant women attending antenatal clinics, assess the trend in HIV prevalence, and provide data for estimating and projecting the HIV epidemic in the general population. The 2005 Sentinel Survey (HSS 2005) involved 36,931 pregnant women attending antenatal clinics in 160 sites (86 urban and 74 rural) in 36 States and the FCT. The survey was managed by a Survey Management Team set up by the Federal Ministry of Health under the chairmanship of the Director of Public Health. The National Action Committee on AIDS (NACA), UN agencies, bilateral agencies and other stakeholders participated as members of the committee.

Overall, the HIV prevalence was 4.4% with 95% Confidence Interval (CI), 4.2 - 4.6. Benue State in the North Central Zone had the highest State prevalence of 10% while Ekiti State in the South West had the least State prevalence of 1.6%. In general, HIV prevalence was higher in urban (4.6%) than in rural sites (3.9%). However, this observation was not consistent across the States. The highest site-specific prevalence (14.7%) was recorded at Iquita-Oron, a rural site in Akwa-Ibom State. The overall prevalence for Syphilis was 1.5%. ranging from 0.0% in Abia to 7.6% in Rivers.

The HIV prevalence among pregnant women aged 15-49 years had declined over the last few years (5.8% in 2001 to 5% in 2003 and 4.4% in 2005). The same trend had been observed among young pregnant women aged 15-24 years. Several factors linked with the national response explain the observed decline. These include the effect of the ongoing intervention efforts, the increase in the number of rural survey sites, and death of those previously infected. Based on the current HIV prevalence in the country, it was estimated that about 2.9 to 3.3 million people were living with HIV/AIDS while prevalence was found to be lowest among married women. There was a policy directive to all ministries and some agencies to establish HIV/AIDS desks and this had been implemented in most ministries like Labour and Productivity, Women Affairs, Education, Defence as well as agencies like Immigrations and Prisons. The policy thrust in this area was to significantly reduce the number of new infections and also provide support and care for those already infected, especially the women.

A 'Gender Technical Committee' was established by the consortium of foundations, development partners, UN organisations, and Federal Ministry of Health. The committee worked with NACA and successfully mainstreamed gender into the HIV/AIDS National Strategic Framework for Action 2005-

2009, (NSF). The committee's contribution to the mainstreaming of gender into HIV/AIDS policies and programmes was ongoing, while the NSF served as a model in the West African sub region for addressing the gender dimension of HIV/AIDS pandemic.

To further realise the concern for addressing gender related HIV/SIDS issues, the government of Nigeria, under its bilateral programme with CIDA established the Nigerian Aids Responsive Fund (NARF). The Gender Equality Strategy to this project (NARF/GES) was aimed at promoting gender-mainstreaming components in HIV/AIDS interventions at all levels and in different social settings. The NARF/GES operated through five pillars, namely Gender Analysis, Gender Management System, Gender Audit, Gender Monitoring and Evaluation and Documentation and Dissemination of Best Practices. This initiative had generated and encouraged the infusion of knowledge on gender differentials in HIV/AIDS programming.

The overall impact of the NARF supported interventions created increased consciousness on the health and wellbeing of Nigerian women and men, boys and girls, greater involvement of all in the control of the spread of HIV/AIDS and enhanced sustainable care and support. This made women as well as men's concerns and experiences an integral dimension in the design, implementation, monitoring and evaluation of HIV/AIDS programming. It was reported that based on the increasing level of the epidemic in rural areas, the country was designing an appropriate intervention effort by targeting the vulnerable groups. Concerted efforts were being made to curtail the epidemic through scaled up antiretroviral programme (including subsidising of anti-retroviral drugs) to meet the increasing need of the estimated AIDS cases in the country.

Other ongoing HIV/AIDS programmes were: Intensification of intervention strategies in all areas of high prevalence, particularly in the rural areas, the vulnerable adolescents and young people aged 15-24 years and for women with only primary and secondary education; Consideration of areas where the HIV prevalence is still relatively low for inclusion in intervention to ensure the rate is kept strictly and consistently low and to curtail the epidemic; increased expansion of PMTCT services, and VCT for the general population; - Scaling up the current care and support activities especially the antiretroviral programme to meet the increasing need of the large number of estimated AIDS cases in the country.

In spite of the national response as articulated in the policies, mechanisms and programmes, there were considerable constraints in developing interventions for the effective control of the spread of HIV/AIDS. Major challenges to efforts at eradicating HIV in the country were poverty and gender inequality. Cultural perception of masculinity and femininity continuously increase women and girls' vulnerability to HIV infection. Areas such as behaviour change; communication especially between sexual partners; accessible, affordable, dual and effective use of male and female condoms; women and girls' incapacity to negotiate safe sex practices and treatment of STIs and lack of technical capacity to manage HIV/AIDS preventive initiatives still needed to be effectively addressed. These socio-cultural and gender perspectives posed enormous challenges to the country since they were major factors promoting the spread of the disease.

On Article 4 dealing with special measures to accelerate equality between women and men, the National Policy on Women launched in 2000 still provides the framework for ensuring the acceleration of equality between men and women. The document specifies guidelines for the promotion of gender equality in all sectors of the economy. As a result of its limitations, the policy is being revised into a National Gender Policy in order to reflect the new shift towards gender and development and to align with government's current reform agenda. In 2003, the Nigeria Labour Congress (NLC) the then umbrella labour union coalition in the country articulated a Gender Policy within the union. The policy tagged "The Gender Equality" amended the congress constitution and provided for a National Women's Commission whose Chairperson would have the status of the Vice President of the Nigeria

Labour Congress. The thrust of the policy was geared towards ensuring that all constituent unions within the NLC made concerted efforts to meet the 30% representation of women in all leadership structures.

The above stated policies were in furtherance of the legal provisions contained in the 1999 Constitution, especially Section 42 which guarantees freedom from all forms of discrimination including gender. Constitutional obligations consistent with Sections 13 – 15, 16, Section 1(b), 17 – 18 of the 1999 Constitution and the three arms of government: the executive, legislature and the judiciary provide competent organs for the promotion and protection of women against all forms of discriminatory practices, policies and laws. However, patriarchy and the predominance of cultural stereotypes still inhibited the attainment of equality between men and women.

Government and civil society organisations in Nigeria had put in place measures to ensure the acceleration of equality between men and women. At the national level, the NEEDS document of the Federal Government provides for the engendering of all programs emanating from the document through affirmative action. Other measures for ensuring the full advancement of women outlined in previous paragraphs of the report contributed to providing accelerated mechanisms for achieving equality between women and men. These cumulative efforts had helped to bridge disparities in equality and fast track the processes in the period under review.

Following the financial gains that accrued to the Nigerian government as a result of the debt relief it secured in 2005, special funds had been allocated to the FMWA. The Special funding provided through the Debt Relief Gains and Millennium Development Goals office was to accelerate capacity building of the Women Affairs Ministry and other concerned actors to effectively monitor MDG implementing sectors for gender equality compliance. During the National Political Reform Conference which held in 2005, the Committee on Human Rights and Social Security among its recommendations, made a case for the establishment of an Equal Opportunities Commission to replace the Federal Character Commission as a mechanism for guaranteeing equality on the basis of sex.

There had been a marginal increase in the number of women that had gained entry to decision-making positions in the private sector, notably in the industrial sector where a few women industrialists had emerged in the Pharmaceutical, Information Technology and Publishing sub-sectors. For example, women owned Emzor Pharmaceuticals and Omatek Computers. Contrary to the situation in the banking sector prior to 1999 when there was no female CEO, a woman was heading Oceanic bank as well as the Nigerian Stock Exchange. Efforts were ongoing by the FMWA, CSOs and the National Coalition on Women's Political Participation to engage political parties on the need to adopt the policy of affirmative action towards ensuring increased participation of women in party politics particularly in the 2007 elections. Female Political Pressure groups were being set up to build the capacity of female aspirants, encourage more women to register and join political parties and participate more effectively in the political processes.

Government at all levels in Nigeria had made efforts to accelerate equality between men and women. Notable among these were: In Kebbi State, the Women Economic Empowerment Programme launched in 2005 to raise the economic status of women vis-à-vis men; In Ekiti, Sokoto, Zamfara and Kano States, women centres were available for continuing education to provide opportunity for women drop-outs to resume education; In the FEEDS document of September 2005, each implementing agency was expected to integrate a gender perspective into its planning and implementation process e.g. a scholarship policy with bias towards increasing girls' access to education; Survey findings for the CEDAW report February 2006, showed that in Plateau State economic policies gave prominent place to women's productive contributions to national and state economy; Several State governments had also embraced special affirmative action policies in the

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production of their SEEDS documents, implementation of the provisions of the UBE Act and intensified NAPEP programmes; WOFEF loans totalling ₦18m were being disbursed in many states in the country alongside creation of skill acquisition centres to empower a cross section of indigent and unemployed adolescent girls and women especially in Lagos, Ogun, Osun, Ekiti, Ebonyi and Rivers States; \$50m had been put in place by Access Bank Nigeria PLC and IFC towards capacity building and improved managerial skills of women entrepreneurs and for the provision of capital loans; Osun State made available ₦10m to train over 1,250 women selected from nine Federal Constituencies of the State on various vocational skills in year 2006.

The FMWA, NCWD, NGOs and other stakeholders had embarked on series of gender sensitivity initiatives and training in collaboration with development partners on an ongoing basis, in a bid to mainstream gender across the various sectors at both state and national levels. These include: - In 2004, the Japan International Cooperation Agency (JICA) after series of consultations posted a Gender Issues Advisor to the NCWD to assist in building the capacity of the FMWA, NCWD and FCT Department of Women Affairs staff in providing gender training; Sequel to the above, the NCWD in collaboration with JICA had designed a training manual on Gender Planning and Gender Budgeting to be printed and circulated by June, 2006. This, when launched, would further strengthen gender mainstreaming and budgeting efforts in the country; A Gender Budget Network had been formed with support from UNIFEM under the management of the Center for Democracy and Development (CDD).

The network had been active in carrying out gender trainings for local government chairmen and analysing budget appropriation in different segments of the society. The Gender Budget Network trained female legislators at the state and local government levels across the country on gender budgeting in 2004 and 2005 at Abuja; Several NGOs had carried out gender sensitive training and capacity building for public officials including judges, national and state legislators on affirmative action and gender budgeting; The FMWA in its efforts to ensure gender mainstreaming in sectoral policies and programs conducted training for officials of women machinery at state and national levels on gender planning, budgeting and auditing for 150 staff between 2004 and 2006; The National Human Rights Commission (NHRC) organised gender training for 50 human rights desk officers of the Nigerian Police and Nigerian Prison Service between May and June 2006; FMWA conducted training on gender mainstreaming for 30 gender desk officers of federal ministries and parastatals in December 2004; NHRC organised gender training for 50 Judges in December 2005 and May 2006.

Also, FMWA conducted gender training for health staff involved in eye care services in May 2006. As part of efforts to mobilise increased budgetary allocation and political support, and to sensitise the general public on Harmful Traditional Practices (HTPs) against women, the UNFPA in collaboration with government ministries at federal and state levels trained over 300 participants in advocacy and lobbying techniques for population development and reproductive health rights between year 2003 and 2005; USAID had established a National Gender Group made up of officers from relevant line ministries. The group was trained to ensure that policy documents, programmes and activities of government were gender sensitive; News Agency of Nigeria (NAN) in collaboration with UNFPA had trained over 70 journalists/reporters on Gender and Development in 2006.

Within the period, UNICEF collaborated with government agencies to organise several gender related activities including: one week Training of Trainers (TOT) on gender for 25 adolescents selected from the six geopolitical zones in the country in 2005; development of Adolescent Girls Life Skills Training manual, in collaboration with NCWD in 2004; series of gender sensitisation workshops organised in batches across the six geopolitical zones targeting women at state, LGA and community levels, in collaboration with SMWASD; advocacy meeting with major media houses on HTPs and gender-

sensitive reporting, and a one-week TOT on gender for directors of federal ministries, parastatals and CSOs to establish a National Consultative and Coordinating Committee (NCCC) for the advancement of women.

Despite the concerted efforts that the federal and state governments and gender machineries were making at ensuring gender equality in all sectors, policies and programmes, challenges that were attributable to patriarchy, deep rooted traditional beliefs and customs, and low level of male involvement and participation in creating change had contributed immensely to the perpetuation of gender inequality in the country.

On gender roles and stereotypes in Article 5, it was reported that there were several administrative measures and efforts targeting elimination of gender roles and stereotypes about girls and women. Raising awareness on gender issues was reported as part of the measures put in place to redress role stereotypes that impeded the advancement of women and girls in many spheres. Advocacy activities to correct socio-cultural perceptions on roles and unfounded limitation by sex were carried out by civil society organisations and the Ministry of Women Affairs at both federal and state levels and the Media.

Some of such measures and advocacy efforts include the provision for the establishment of science-based institutions for girls by the National Policy on Education 2004 to encourage increased participation of the girl child in science and technology, and the Women's Organisations for Representative National Conference (WORNACO) National Women's Conference from 7 – 10 June 2005, with a high-level participation of over 500 women opinion leaders and representatives. Through this conference, Nigerian women were better informed on issues of the Nigerian Constitution, human rights, politics, health, media, environment, education, science and technology.

At the end of the conference, a women's manifesto called "WOMANIFESTO" was produced; The Gender and Constitution Reform Network (GECORN) presented a Memorandum to the National Political Reform Conference and the National Public Hearing on Constitutional Amendment in February 2006, to bring to fore issues to promote the advancement of women. Between August 2005 and May 2006, the Honourable Minister for Women Affairs had undertaken advocacy visits to 20 States to meet the Governors, Legislators and Traditional Rulers to advocate for the advancement of women and the recognition of women's rights as provided for in CEDAW and the Child's Rights Act as well as increased budgetary allocation for women; - The FMWA in collaboration with the Federal Ministry of Information and National Orientation, the print and electronic media as well as the film industry has created and aired programmes aimed at eliminating gender stereotypes and to promote the advancement of women. All these activities were not in vain as responses to questionnaires administered by the FMWA for the purposes of compiling the 6th CEDAW Country Periodic Report indicated that women were beginning to undertake those vocations which were previously considered masculine such as automobile mechanic, welding, commercial drivers and motorcyclists.

Responding to Article 6 on trafficking in women and exploitation for prostitution, the report noted that Section 34 of the 1999 Constitution makes it clear that every Nigerian citizen is entitled to respect for his/her dignity and forbids torture or inhuman/degrading treatment, slavery or servitude. Sections 223-225 of the Criminal Code, applicable in southern Nigeria, prohibit trafficking in human beings. The penal code applicable in northern Nigeria also has provisions against trafficking in humans. A major breakthrough in this area was the enactment of the 'Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003'. In the same vein, various states, notably Edo, Cross-River and Imo also enacted legislation to prevent and prosecute cases of child trafficking.

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There existed an office of the Special Assistant to the President on Human Trafficking and Child Labour which complemented the agency for enforcement and monitoring of trafficking of persons, "National Agency for Prohibition of Traffic in Persons (NAPTIP)" in its mandate execution. Documented successes of efforts in the fight against human trafficking indicated that about 24,000 copies of *the Act* had so far been circulated to educate, sensitise and create awareness on the malaise of child trafficking. Furthermore, the police force was not only empowered to search and inspect vehicles and premises, but also to arrest any person they suspect of the offence of human trafficking.

Nigeria had entered into a number of bilateral agreements with some countries on trafficking in persons. Nigeria had ratified and domesticated the UN Convention on Trans-National Organised Crime (otherwise known as Palermo Convention) as well as its Protocols to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Protocol against Illegal Smuggling of Migrants had also been ratified by the country.

Additional progress recorded by the Nigerian government and agencies such as NAPTIP, non-governmental organisations and development partners had been made at four levels, policy, bilateral cooperation, shelter and programmes. These include the adoption of the ECOWAS Declaration Against Trafficking and the ECOWAS Initial Plan of Action Against Trafficking which had improved the level of international collaboration amongst the countries the West African sub-region; the NAPTIP produced National Policy on Counselling and Rehabilitation and its implementation Strategy which has led to more efficient counselling and rehabilitation services for victims of trafficking; and completion of the situation analysis and assessment of child trafficking trends in eleven endemic States in 2004 in order to enhance prevention, planning and programming on trafficking issues. Assessment of the situation on child trafficking in Borno, Yobe, Jigawa, Adamawa, Taraba and Kano States was also conducted to provide an update on the magnitude, sources, transit routes, perpetrators and destinations of children trafficked in these States.

The Federal Government's Cooperation Agreement with IOM on the fight against women/child trafficking, provision of counselling, rehabilitation and capacity building further provided for a Performance Monitoring Plan to monitor progress in counselling and rehabilitation, prevention and criminal justice. Also, the cooperation agreements with the French, Netherlands, British and Italian governments had led to increased research and the provision of technical assistance to Nigeria in the area of capacity building (training and equipment supply) and funding; while Cooperation Agreement between Nigeria and Benin Republic had led to improved processes of repatriation and reintegration of victims of trafficking in between the two countries. The signing of a multi-lateral Cooperation Agreement to combat human trafficking was signed in 2005 between Nigeria, Niger, Benin, Togo, Burkina Faso, Cote d'Ivoire and Sierra Leone.

NAPTIP was managing the shelter facilities in Lagos and Benin that were handed over by IOM, for purposes of counselling and rehabilitation of victims of trafficking. Seven transit shelters had been established in Kano, Edo, Akwa Ibom, Abuja, Enugu and Sokoto and Lagos States for the purpose of rehabilitation of victims of trafficking. With the support of the United States Department of State and UNICEF, the Agency also set up of two coordinating groups and an Anti-Trafficking Network to facilitate synergy and convergence on combating Child Trafficking in Nigeria. In another development, the pilot project of the Edo State Ministry of Education in collaboration with the IOM, was carried out to introduce issues of trafficking in persons and HIV/AIDS into the high school curricula.

The establishment of the anti-trafficking network in 22 States of Nigeria where trafficking was endemic, had resulted in better awareness creation of people at the grassroots to stem the problem of trafficking from source, and had led to intervention of trafficked victims and successful prosecution

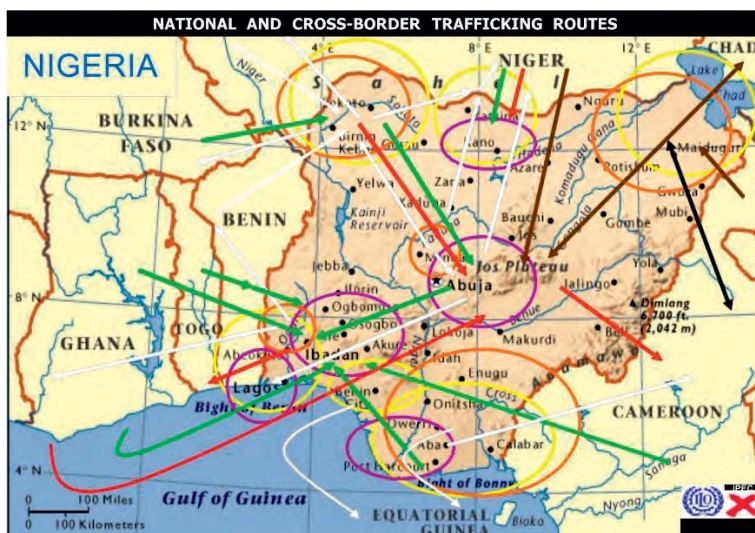
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of traffickers, the setting up of seven Youth Resource Centres to provide health, skill-learning, legal support and information to young people in Edo, Delta, Kano, Akwa Ibom, Sokoto, Ebonyi and Imo States. Sensitisation programmes to discourage human trafficking were held on a regular basis in different communities, marketplaces, schools and tertiary institutions and in various parts of the country particularly in endemic areas like Benin in Edo State, Danko in Niger State, Edu in Kwara State, Oshogbo in Osun State, Kafanchan in Plateau State and in Kaduna State.

Strong partnerships had been developed both at national and state levels with the Police, Immigration and Nigerian Customs Service to address the problem of human trafficking through checking illegal movement of children and women across borders. Subsequently, an annual report, fact sheets and Victims Support Manual had been published and circulated widely. The Nigeria Immigration Service (NIS) and other border control agencies, including the Nigeria Customs Service (NCS), had intensified operations at the borders to check the illegal movement or transfer of children and women. As a follow up to its intensified operations, the Immigration Service recently established a specialised human trafficking department. The Nigeria Police Force also had a unit that dealt with local and international trafficking in persons. The existing collaborative efforts had yielded tremendous gains for the war against trafficking.

Areas of collaboration had also been extended to training of judicial officers, including judges, lawyers, prosecutors, immigration officers and policemen. The impact of Nigeria's cooperation with countries of destination had resulted in an increase in the level of arrests and prosecution of those involved in women and child trafficking and other forms of sexual exploitation. Development partners and international agencies and NGOs had given material and technical support to NAPTIP to assist in the rescue, rehabilitation and social reintegration of trafficked persons. In May 2006, a regional conference on Trafficking in Persons was held in Gabon. The conference led to the development of a common platform of action against human trafficking in West and Central Africa. The trafficking routes were updated by ILO LUTRENA as shown below, to initiate a good understanding of the problem and create intervention across the borders.

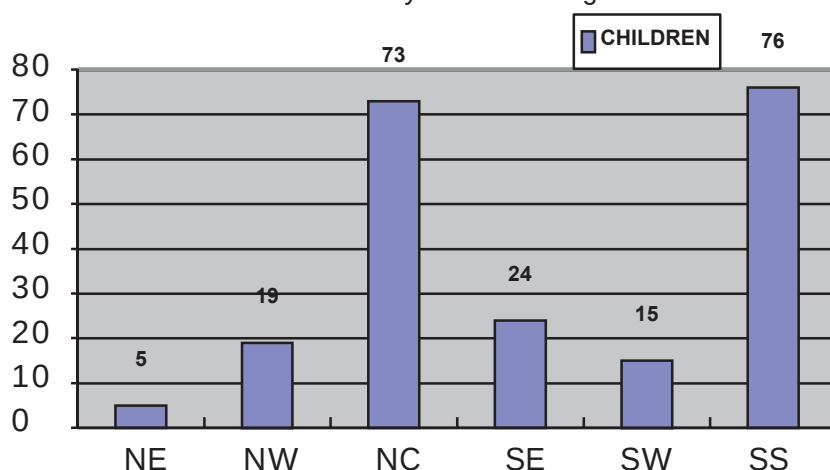
Trafficking Routes updated by ILO LUTRENA



Source: ILO Lutrena, 2006

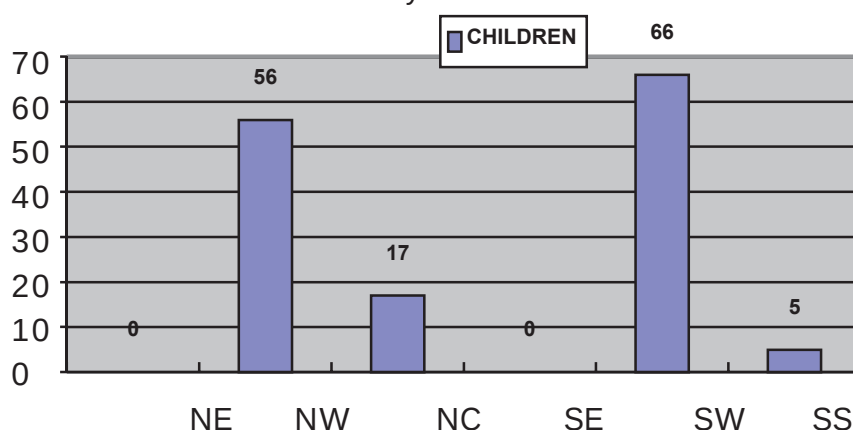
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Number of Children Trafficked by Zones Of Origin



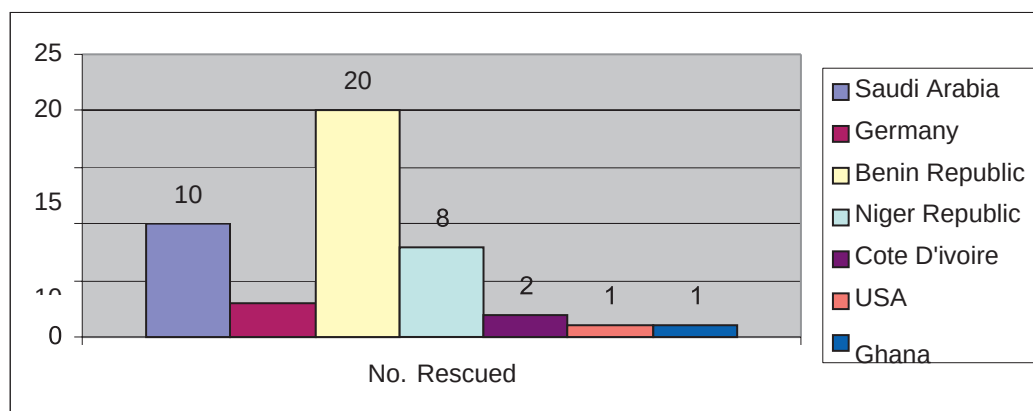
Source: NAPTIP Annual Report, 2006

Number of Children Rescued By Zones



Source: NAPTIP Annual Report, 2004-2006

Number of Children rescued from different countries



Source: NAPTIP Annual Report, 2004-2006

The following achievements had been recorded at enforcing anti-trafficking laws by Government and NGOs. More than 64 cases were investigated out of which 18 cases were filed in court. Seven convictions with jail terms of 2-7 years for trafficking offences. Other achievements in summary include: the 520 locally and internationally trafficked women rescued, sheltered and counselled; With

the assistance of the Italian government and the International Labour Organisation/Prevention of Trafficking in West Africa (ILO/PATWA), a Monitoring Centre was established in NAPTIP's Abuja office and equipped with a V-SAT (internet facility). This greatly improved documentation, reporting and communication with partners in and outside the country on child trafficking. Similarly, with the support of the US State Narcotics Department and UNICEF, State Working Groups made up of government operatives were established in 22 states to accelerate information sharing, arrest and investigation on child trafficking. UNICEF likewise facilitated the expansion of the initiative to include a network of CSOs on Trafficking in Persons (TIP) through WOTCLEF and with the support of SIDA and UK National Commission. WOTCLEF in its contribution, established clubs in secondary schools and NYSC formations all over the federation to sensitise students and graduates of tertiary institutions on the ills of human trafficking. Hotlines had been created by NAPTIP to enable individuals report situations of trafficking or abuse of children and women.

In its own effort to support the fight against child-trafficking and child Labour in Nigeria the Federal Ministry of Information and National Orientation in collaboration with the ILO-IPEC implemented the following activities to support the fight against (a) Awareness creation and sensitisation workshop for faith based organisations in Nigeria to initiate consistent propagation of elimination of child labour and trafficking, and production and airing of radio jingles on the prevention of human trafficking. (b) Production and distribution of IEC materials, posters and bill boards to create awareness and impact the level of human trafficking in the country.

As reported, even though there was a marked decrease in the forms of trafficking which formally used to take place unchecked and unreported, trafficking in women and children as well as different forms of exploitation of women still continued to pose a problem in the country despite several measures put in place by the government and various international and non-governmental organisations. There was therefore the need to establish more avenues for repatriation of children/women victims of trafficking at local, state, national, regional and international levels. The institutional mechanism for monitoring, reporting on trafficking, and rehabilitation and reintegration needed to be further strengthened. It was noted as imperative to initiate stronger coordination with other neighbouring States to encourage endorsement of collaborative trans-national agreements to combat both the supply and the demand dimensions of children/women trafficking in Nigeria.

Responding to Article 7 on women in political and public life the report noted that in terms of constitutional context of women's participation in political and public life, it was remarked that Nigeria recognises that democracy and good governance requires that men and women have unrestricted access to spaces of power where they can realise their political value where their individual demands and preferences can be manifested and satisfied. Section 42 of the 1999 Constitution guarantees every Nigerian (woman and man), the rights to freedom from discrimination and freedom of association, which by extension includes political association and participation by all on level ground. The same Constitution stipulates that free and fair elections be conducted with utmost transparency and security of all participants.

In relation to legal and legislative measures to accelerate women's participation in political and public life, a number of measures, as at the time of writing the report had been taken by government, CSOs and political parties to enhance women's participation in positions of authority. These include: The proposed Federal Character Commission amendment Bill which was before the National Assembly for inclusion of a gender equality clause in all federal appointments and nominations; The convening of a National Political Reform Conference (NPRC) with the aim of carrying out a constitution review particularly engendering its provisions. To redress the imbalance in the appointment of representatives to the Conference, the President made sure that 20 out of the 50 federal nominees to the conference were women. This was in a bid to protect women's rights and

formulate pro-gender review mechanisms and strategies. In addition to all these, the Bill to domesticate CEDAW was before the National Assembly.

Female stakeholders' recommendations to the NPRC to enhance equitable participation in political and public life included: Amendment of the language of the 1999 Constitution to be gender neutral; Amendment of Section (29) of the Constitution to stipulate 18 years as the minimum age for marriage in line with the Child Rights Act, 2003; Amendment of The Constitution to include affirmative action by providing in Section 15 (2) that women represent at least 40 percent of all levels of governance and programming; Creation of an Equal Opportunities Commission to replace the Federal Character Commission so that besides geography and ethnicity, gender and disability were reflected in the criteria for operating the federal character principle/policy; Expansion of Government opportunities for 'second chance' education to girls and women; and same rights status for Married women and spouse in their states of marriage.

Other recommendations included strengthening of the Ministry of Women Affairs to coordinate multi-sectoral reforms which integrate social, economic and political reforms to increase women access, participation and representation; - Increased access to substantial poverty reduction and economic empowerment resources for women; needy families and children being made the primary targets for most of these programmes; and for special attention to be given to education of girls. The stakeholders also recommended that the Law Reform Commission should review the statutory and customary laws that promote discrimination against women in political and public life; and for Efforts to be made to modify or stop cultures and attitudes that had negative influence on the health of the society and practices such as corruption, tribalism, literacy, poverty, female genital mutilation, child marriage, child slavery, prostitution, etc.

The above-mentioned recommendations had led to increased activism on the part of women human rights organisations to push for change and to monitor the implementation at both national and state levels. The success of the NPRC from a gender perspective was made possible through the support of development partners. A Gender Support Unit (GSU), sponsored by CIDA, UNIFEM and the NCWD was created to train and build capacity of elected women into the National Political Reform Conference. In the course of the conference, the GSU succeeded in strengthening the technical capacity of women delegates to engage actively in national dialogues and debates, which led to their presenting concrete data supporting women's priority and governance issues. It also enlightened the public on issues of gender inequality in democratic and development processes.

On concrete achievements of women in appointive and elective positions, it was highlighted in the report, that there had been a slight increase in women's appointment into decision-making positions both within the public and private sectors since the previous report. In the Federal Cabinet, women constituted about 19% as against the 12% reported in the 4th and 5th report and were holding key portfolios such as Finance, Foreign Affairs, Environment, Education and Solid minerals. At the time of writing this report, 22% of Federal Permanent Secretaries were women as against about 10% in 1999 and about 10 major key parastatals in the country were being headed by women.

These included the globally recognised National Agency for Food and Drug Administration and Control (NAFDAC), Nigeria Stock Exchange, Federal Inland Revenue Service, the Nigerian Export Promotion Council, Small and Medium Scale Enterprises Development Agency of Nigeria, Bureau of Public Enterprises, and the office of the Senior Special Assistant to the President on the MDGs office amongst others. In the Judiciary, the first female judge of the Supreme Court was appointed in 2005. With regard to elective posts, there was a marginal increase in the number of women elected into both the Upper and Lower Houses of the National Assembly between the 1999 elections and that of 2003. In the Senate, 4 out of 109 members were women and 21 out of 360 members of the Federal House of Representatives were also women. The number of female deputy governors, had likewise

risen from 1 to 4. Out of the 36 Speakers of the state houses of assembly, 2 were women. At the local government level, there were 47 women local government chairpersons out of a total of 774; and 143 female councillors out of a total of 8,810.

In the same period, government women machineries made efforts to engage INEC and the political parties on women increased political participation in the 2007 elections. On May 22 2006, the Honourable Minister of Women Affairs held a meeting with women opinion leaders nationwide to map out strategies towards the engagement. Other initiatives include the Establishment of Zonal Women Political Empowerment Offices in the six geo-political zones of the Federation to step down mobilisation efforts; strengthening of women machineries with human and financial resources for improved performance and efficiency; advocacy visits to states by the Honourable Minister of Women Affairs to accelerate collaboration with state governments on issues of women and children, particularly the CEDAW domestication; passage of Child Rights Acts; and increased budgetary allocation to the state women machineries. Targets of these advocacy visits were State Governors, State Houses of Assembly, Traditional Rulers and Community Leaders.

The National Centre for Women Development had a Nigerian Women Hall of Fame, which paid tribute to outstanding women from all works of life. Each year since 2004, women who excelled in their fields of endeavour were selected and inducted into the Hall of Fame at an impressive ceremony. The hall was adorned with pictures and plaques projecting such women as role models for the younger generation. Between 2004 and the time of this report, 26 women first-achievers had been inducted. On measures by political parties to increase women's political participation, it was reported that in spite of the important position that political parties occupy in the country's polity, a negligible number of women were members of political parties in Nigeria. Very few occupied executive positions in the parties and there were no obvious measures by the political parties to increase women's participation in the political arena. Although, parties like the People's Democratic Party (PDP) and the Alliance for Democracy (AD) had waived payment fees for nomination forms to female aspirants, they often demanded other payments that were unaffordable for women. However, efforts were in place to engage INEC and political parties and negotiate for women's increased representation in the 2007 elections and beyond.

Responding to representation at the international level under Article 8, the report noted that Foreign Service regulations applied equally to men and women. Empowerment into the service was strictly based on equal representation from all states of the Federation. Though, there were no special measures in place to recruit women into the Foreign Service or international organisations, the 2001 recruitment exercise at the Ministry of Foreign Affairs showed that twenty (20) female officers were employed. This figure represents 27.03% of the total employment that year. It was to be noted that this was the highest number of female employees at that level since inception of the Nigerian Foreign Service. Some recent appointments in the Ministry provided women the opportunity to occupy higher positions of decision making such as the Foreign Affairs Minister, Permanent Secretary and Under-Secretaries in charge of Administration and African Affairs. Out of 593 career diplomats in the Foreign Service, 63 (10.6%) were female, while only 7(8.04%) of the 87 ambassadors were females. The female ambassadors were made up of 2 career and 5 non-career diplomats. In spite of policy measures and advocacy on women's equal participation in public life, gains in the Foreign Service, as reported, remained minimal since the last report.

In relation to women in international organisations, it was reported that from 2000 to the time of filing the report, Nigerian women had served in different capacities in international organisations. Records showed that only two Nigerian women were occupying Nigeria's quota on international bodies i.e., President of Economic Community of West African States (ECOWAS) Court of Justice and Secretary-General of ECOWAS Parliament. Other Nigerian women could be found in the

employment of such international organisations in their own personal recognition. Although the post of Heads of Agencies was not reserved for Nigerians, it was to be noted that as at 2006, out of sixteen resident heads of United Nations Agencies in Nigeria, only one (the Regional Programme Director of UNIFEM) was a woman.

On Article 9, it was reported that Nigerian women had strategically mobilised themselves in articulating their concerns around constitutional issues that had implications for nationality and indigency. The highpoint of such mobilisation was during the National Political Reform Conference (NPRC) which was inaugurated by the Federal Government in 2005. With the support of the Federal Ministry of Women Affairs and development partners such as UNIFEM, CIDA and ACTIONAID, gender was mainstreamed into the Conference process. This landmark achievement for women reported in earlier paragraphs made Nigerian women's issues very visible. It was also a unique opportunity for sensitising highly placed personalities who had no knowledge of gender issues.

Amendments proposed to the 1999 Nigerian Constitution by Nigerian women to the NPRC to help redress unequal participation in public life deriving from issues of nationality, indigene-ship and a host of other barriers were enunciated earlier in this report. In addition, a specific request was made for the: substitution of the word '*woman*' which appears in Section 26(2) (a) with the word '*person*'. This section denied Nigerian women the right to confer citizenship by registration on their foreign spouses as enjoyed by their male counterparts married to foreign wives. Nigerian women also recommended that the Law Reform Commission should review statutory and customary laws that constrained women who were not married to men from the same state of origin as theirs from enjoying equal rights and privileges in marriage, family and public life. Concerted efforts were also being made by women to ensure that these issues were re-addressed during any subsequent constitutional review exercise (Report of the Gender Support Unit for Female Delegates to the NPRC, August, 2005). During an attempt at amending the 1999 constitution, the National Assembly adopted the women's proposal with respect to section 26(2)(a) in its Constitutional Amendment Bill. This was believed to be a great achievement for pushing women's issues forward in the country and redressing gender issues relating to nationality and citizenship.

According to the report, the legal and political environment for promoting improved access to education under Article 10 by the female citizens of Nigeria over the past four years, had been encouraging and progressive. Laws had been passed at both national and state levels in pursuit of this objective. At the federal level, the Child's Rights Act was passed in 2003. Section 15 (1) of the Act provides as follows: 'Every child has the right to free, compulsory and universal basic education and it shall be the duty of the Government in Nigeria to provide such education. (2) Every parent or guardian shall ensure that his child or ward attends and completes his: (a) Primary school education; and (b) Junior secondary education'

This section of the law reinforced government's commitment to the provision of free and compulsory education for every Nigerian child up to junior secondary school level. Being a Federal Act, it was only applicable to the Federal Capital Territory, however, ten (10) States, namely, Anambra, Ebonyi, Ekiti, Imo, Nasarawa, Ogun, Plateau, Rivers, Abia and Taraba had adopted the law. Some of the states that were yet to adopt the Child's Rights Act, had passed laws to encourage girl child education. Section 15(5) of the same Act guaranteed female students the opportunity to complete their education should they become pregnant while still in school. Furthermore, section 15(6) of the same law prescribed punishment for parents or guardians who prevented a child from attending and completing his/her education.

Additionally, the government of Nigeria had passed into law, the Compulsory, Free, Universal Basic Education and other Related Matters Act, 2004 (UBE Act) which sought to address barriers to the enjoyment of the right to education of every Nigerian child in both urban and rural areas. The Act

reiterated the right of every Nigerian child to compulsory, free, and universal basic education. In order to ensure the actualisation of this right, the law established the Universal Basic Education Commission (UBEC) which was charged with the responsibility of implementing the UBE programme. The UBE, just like the Child's Rights Act made it a punishable offence to deny any child access to education either by way of demanding fees or by actually not allowing a child to attend school. The report found it noteworthy, that in spite of the challenges with implementing the criminal aspects of the law, achievements were recorded. Apart from the provision of infrastructure and capacity building activities, 983,537 instructional materials on subjects like mathematics, integrated science, social studies, English language, management studies and information technology, were procured and distributed to various schools all over the country. In addition, the sum of four hundred and fifty thousand Naira (N450, 000.00) each was disbursed to some 4,407 community schools as institutional support grant.

During the reporting period, international agencies, embassies and other development partners gave tremendous support to encourage enrolment and retention of children and young persons, particularly the girl-child in primary and secondary schools. For example: (i). Japan's Grant Aid Project in Nigeria (JICA) constructed structures in Niger State (ii). The UK Department for International Development (DFID) supported Nigeria with a grant of £26 million (twenty-six million Pounds Sterling) to boost enrolment of girls/women in schools. The grant was meant for 15 States (Borno, Sokoto, Jigawa, Katsina, Yobe, Gombe, Niger, Zamfara, Bauchi, Kebbi, Adamawa, Kaduna and Kano) in Northern Nigeria where low enrolment of girls/women in schools was prevalent. The grant focused on the following areas of intervention: Non formal education; Early Child Care Development (ECCD); Primary school education; Provision of educational facilities; Capacity building of teachers, community leaders and school-based management committees; Environment health and education facilities.

On actual progress to protect and ensure the elimination of discrimination against women in education the report noted that the trends in primary education enrolment from 1999 to 2003 showed that on average, enrolment consistency increased over the years for both male and female from 7% in 2000 to 8%, 11% and 44% in 2001, 2002 and 2003 respectively. Primary school enrolment rates were however, consistently higher for boys than for girls. This corresponded with the period in which the Universal Basic Education program was introduced. The efficiency of the primary education system had also improved over the years as the primary six completion rates increased steadily from 65% in 1998 to 83% in 2001 as reflected in the preceding report. It however declined in 2002 and shot up to 94% in 2003. The dramatic improvement in gross enrolment ratio in 2003 resulted from over aged and under aged children registered for primary education. (FMOE, 2003).

As reported, contrary to the data from previous years, primary school education enrolment between 2004 and 2006 among female children showed a downward trend from 80% to 60.4% of the total number of girls that were within the age of enrolment. The trend was similar to that of boys which dropped from 80% to 64% within the same period. The same trend was observed at the secondary school level, where in 2004, enrolment rate dropped from 83.4% to 46% among female students. In terms of boy to girl's enrolment ratio in primary school, a marginal increase was noticed in 2004 above the figure presented in 2003. However, the figure dropped slightly in 2005. There were also wide disparities in enrolment and attendance ratios within and between the different geographical zones. According to findings from the 2004 Nigeria Demographic Data Survey (NDDS), there were differences in the Gross Attendance Ratio (GAR) by sex within the different regions. In the South West, there was a gap in favour of females (GPI of 1.09) while there was near parity in the North Central (a GPI of 1.01) and a narrow gender gap in the South East and the South-South (GPI of 0.92 and 0.91, respectively). In the North West and North East, there was a notable gender gap in

favour of male youth (GPI of 0.63 and 0.74, respectively). This was why efforts at addressing these negative trends were targeted at the Northern States and a few States in the Eastern and Western parts of the country.

On efforts at addressing obstacles to girl-child education, the report noted measures to encourage boys and girls to take same subjects in schools. The Federal Ministry of Education in collaboration with United Nations Children's Fund (UNICEF) was implementing a National Girl-Child Education Programme. The programme was designed to tackle the problem of lack of water and poor sanitary conditions in unity schools located in nineteen States of the federation. Lack of water and poor sanitary conditions in the schools had been established as major factors that discourage parents from sending their female children who have attained the age of puberty to school.

In order to increase enrolment, retention and completion rates among primary school children, the Federal Government had commenced the implementation of the Home-Grown School Feeding and Health Programme. It was currently being piloted in twelve States of the federation with multi facet benefits to the society. The programme served as an incentive to encourage parents to allow their children attend school as it reduced the amount of money, they spend on feeding their wards. In engendering community participation for improved access to education, four thousand, five hundred and twenty-five (4,525) educationally disadvantaged communities in ten States of the federation had benefited from massive training programmes held at the community level under the self-help component of the World Bank Assisted Second Primary Education Project (PEP). This was an ongoing process in the country.

The next level of the programme was designed to establish female boarding schools in the Northern States in order to bridge the wide gap in the rates of school enrolment, retention and completion between the North and other parts of the country. Furthermore, there was FGN intervention through designation of special funds to achieve the respective Millennium Development Goal on education. The Funds were being committed to facilitate gender equality in education and the acceleration of girl's education. The Female Functional Literacy for Health Project (FFLH) initiated by the Federal and State Ministries of Health was one of the government's efforts towards achieving women's empowerment through health education. The project had three components – functional literacy, health education and income generation currently being implemented in 63 communities in 23 States. In year 2005, there was a renewed effort to integrate the project into the programme of the National Mass Education Commission (NMEC). Subsequently the curricula/primers used for both FFLH and NMEC were harmonised and a pilot training of instructors and facilitators were carried out in Niger and Oyo States.

The Nigerian government was mindful of the need to address issues relating to negative gender stereotypes attached to science education as being a domain for male students. The reviewed National Policy on Education, 2004 attached immense importance to the study of sciences and the production of adequate number of scientists to inspire and support national development. The policy promoted the provision of incentives to all students who were studying science subjects. As such the federal government scholarship awards to university students were given to students especially female students studying science subjects. Furthermore, in encouraging girls to study science related courses, all female science secondary schools had been established in selected States of the federation e.g., Enugu State, Anambra State and the Federal Capital territory. Also in existence was Federal College of Education (Technical) for women in Zamfara State and a Girls' Computer Secondary School in Roni Local Government Area in Jigawa State. Science clubs known as Science Technology and Mathematics Club (STM) had been established in unity schools across the country to bridge the wide gap between the number of boys and that of girls who took science related subjects.

Regarding programmes to forestall girls leaving school prematurely, the report noted the establishment of women development centres in all the 36 States provide (among other things) opportunities for young girls who dropped out of school to continue non-formal education. These centres ran skills acquisition programmes for women. A study carried out by the National Centre for Women Development in 2005 revealed that about 28.84% of its programme beneficiaries were below the age of 21, most of whom were school drop outs. Most of the trainees benefited from credit facilities not more than ₦10,000 per person.

On the percentage of women teachers in primary and secondary schools, the report noted that in 1997, 47% of teachers in primary schools were females, while male teachers were 53%. There was a marginal decrease in the number of male teachers (52.2%) and a marginal increase in the number of female teachers (47.3%) in primary schools by the year 2003. However, a higher percentage of teachers with National Certificate of Education (NCE) was recorded among female teachers. Partly responsible for this, were government's efforts aimed at expanding access to quality teacher education through the introduction of various continuing education programmes. Contrary to what obtained at the primary school level, according to the 2003 data, there was a wide gap between the number of female teachers (39%) and male teachers (61%) in secondary schools.

Partly responsible for this, was the fact that marriage and child upbringing limited women's ability to further their education in order to qualify to teach at the secondary school level like their male counterparts. Efforts at reversing this trend included the availability of scholarship opportunities for in-service training for female teachers, especially those in the rural areas and under the Girl Child Education Project.

On measures to step up recruitment of qualified teachers as well as encourage same quality of teaching for boys and girls, the report noted in furthering its commitment to promoting gender equality through education, the federal government, through the Nigerian Educational Research and Development Council (NERDC) had completed a gender review process of the curricula used in primary and secondary schools. To enhance the quality of teaching methods and curriculum delivery under the UBE programme, UBEC has completed cluster in-service training programme in nineteen States of the federation. This was an ongoing process. The Teacher Registration Council (TRC) had carried out the professionalisation of teachers by registering only qualified teachers and had so far registered about 600,000 teachers in 2004/2005. In collaboration with the Institute of Education in Nigerian Universities, the TRC had expanded access to quality teaching techniques programmes including post graduate diploma in education (PGDE) which caters for holders of degrees in non-education fields as well as ordinary national diploma (OND) and higher national diploma (HND) graduates who wished to become qualified teachers. The National Commission for Nomadic Education (NCNE) had continued to train the teachers teaching in nomadic schools on the peculiarities and expectations of the nomadic education curricula and also enhanced their knowledge, skills and competences through exposure to new and innovative teaching methods. 2,575 out of 4,218 teachers in 1,350 nomadic schools across the country had been trained as at 2005.

The 2004 National Living Standard Survey revealed that 5 out of every 10 Nigerian men and 4 out of every 10 women were literate in English. In the case of literacy in Nigerian languages, 4 out of every 10 men and 5 out of every 10 women were literate. Almost two-thirds (i.e., 65.9%) of male adults in urban areas were literate in English as against 42% in rural areas. Female literate adults in urban areas accounted for about 50 % while literate women in the rural area accounted for 31%. A comparative analysis of the data shown in table 10.4 above reveals a marginal increase in the number of Nigerian women (6 out of every 10 women) who were literate in English language in 2006 over that of 2004. Rural/Urban (36.3%:63.6%) disparity in literacy level in English language

in 2006 revealed a remarkable increase at both levels. Women who were literate in Nigerian languages also increased in 2006, although, a sharp increase was observed in the male literacy level above that of women. The steady rise in women's literacy level could be partly attributed to the existence of various continuing education centres at both State and local government levels across the country.

As reported in the 4th and 5th CEDAW Country Report, the 1999 Nigerian Constitution in Section 42(1) clearly provides that there should be no discrimination on the basis of sex or employment. However, due to deeply rooted cultural attitudes, discriminations still existed. It was also noted in that report that Section 42 (3) permits special provisions in favour of special groups on various grounds including sex under Section 42(3). It was noted that no progress had been made in addressing discriminatory practices promoted in section 42(3) of the constitution since there had been no constitutional amendment in Nigeria since 1999. The 4th and 5th CEDAW Country Report noted that there were no manifest discriminatory laws against women in recruitment and employment. However, the ratio of men to women employed in the formal sector was still in favour of men. Nevertheless, there were existing programmes by various stakeholders to create change. The NEEDS, SEEDS, FEEDS and LEEDS were sustainable development strategies aimed at reducing poverty through job creation to both sexes, ensuring food security and remedying inequalities. The Nigeria Labour Congress was engaged in raising awareness through advocacy and lobbying to ensure that non-discriminatory employment practices were encouraged.

The NLC also adopted a Gender Equity Policy in February 2003 with a view to mainstream women and ensure their participation at all levels of the NLC. Due to that effort:

- Two (2) positions were occupied by women in the NLC national executive council (vice president and auditor);
- Women were also being elected into leadership positions e.g. in the textile union 2 women emerged as deputy president and trustee respectively, thus, becoming members of the decision making organs of the union;
- In the Chemical Union (NUCFRLANMPE) a woman emerged as deputy president.
- The Federal Ministry of Labour and Productivity had intensified its efforts at ensuring that gender sensitive international standards on employment, working conditions, operational safety and health were adhered to.

Working conditions and employment practices concerning women were fairly improving in the private sectors. For example, banks in Nigeria (as in most other private sector organisations) allowed women to go on 90 working days maternity leave; similar to what obtained in the Nigerian Public Service. The most that banks allowed for maternity leave in the past was 60 working days. Some banks, allowed nursing mothers to come to work one hour late or close one hour earlier than other workers. This was in line with the provision of section 54(1) (d) of the Nigeria Labour Act, Cap 198, LFN, 1990.

There were still discriminatory practices that were yet to be addressed. These include:

- Compelling single girls to sign employment contracts agreeing to postpone marriage until the third anniversary of their employment;
- Compelling newly employed married women to sign job contracts agreeing not to have children until the third anniversary of their marriage;
- Employment of single girls as marketing officers with stringent schedules for sourcing customers and deposits with high targets which exposes them to sexual exploitation.

Gender specific division of labour was still common in Nigeria's employment pattern. Traditional perceptions and some sort of stereotypes had skewed women into some jobs, leaving them nearly

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absent in some others. Nigeria's Demographic and Health Survey (NDHS) 2003 showed that more women were employed in sales and services and agriculture than in other sectors such as professional, managerial and technical jobs.

Unemployment level was high among women. According to the NDHS 2003, percentage of men employed during the period of the survey was 70% while there were only 56% of women who were employed during the period. 29% of men were unemployed during that period while 44% of women were unemployed. Unemployment rate was higher among women because in most cases family responsibilities, employees' preference for male workers and some other discriminatory practices denied women access to gainful employment.

On efforts to address women's unemployment due to child care, it was reported that family responsibility and specifically child care were reported as serious constraints to women's employment in Nigeria. Many married women did not seek formal employment because of such responsibilities. Majority who resigned from their jobs did so in order to commit more time to their families. This was a contributory factor to the high rate of unemployment among Nigerian women that resulted in their low economic status and limited their participation in political and public life.

In this regard, Local Governments, States and the Federal Government were making concerted efforts to improve women access to employment and guaranteed livelihood. Majority of Local and State Governments were establishing women skills acquisition centres, women development centres and micro credit schemes specifically targeting women. Examples of these were schemes such as the Women Fund for Economic Empowerment (WOFEE) designed for women operating micro enterprises and the Business Development Fund for Women (BUDFOW) for women in small to medium scale enterprises currently operated by the Federal Ministry of Women Affairs. Under the WOFEE, twelve states had received ₦6 million each. This was to be distributed as soft loans to women at 9% interest rate as against the 12.5% being charged by banks. Furthermore, States that did not benefit from the six million Naira WOFEE loan were given agricultural machines for distribution to women under the BUDFOW programme. This was an ongoing process.

There was a ₦500 million (\$3,846,154) agricultural facility set-aside specifically for women involved in agricultural production and processing. The National Poverty Eradication Programme (NAPEP) and the National Directorate of Employment (NDE) programme at the Federal, State and Local levels also had special provisions for women in terms of employment and poverty reduction. There were still persistent cases of social exclusion and discrimination against women in relation to employment, participation in politics and governance. Women were still involved in the informal economy rather than the professional, managerial and technical jobs. In spite of women being 49.52% of the population, they were not adequately represented in both the public and private sector services.

However, to address this issue there were existing programmes put in place by the government at Local, State and Federal levels respectively designed to meet the country's development challenges. The goals of these programmes were to ensure poverty reduction through job creation, guarantee food security, wealth creation and redistribution, remedy inequality and unemployment and to promote the emergence of a private sector driven economy. Progress made in promoting the participation of women in economic, political and public life had been comprehensively documented in Articles 7 and 8 of this report.

On security and health of pregnant women workers, Sections 55(1) and 56(1) of the Labour Act Cap 198 of the Laws of the Federation of Nigeria (LFN) sought to protect women by prohibiting employment of women at nights and underground work. This provision promoted inequality between the genders and subtly promoted discrimination even as it appeared protective. Section 54(1) (a)-(d) of the Labour Act, LFN 1990 adequately provided for the protection of pregnant women,

especially in terms of job security. Section 54 (1) (a) and (b) provided that pregnant women were entitled to a maternity leave of a least 12 weeks. A pregnant woman was also entitled to at least 50 percent of her salary/wages during that period. It was noted, however, that some employers paid women on maternity leave their full salaries. Pursuant to these provisions, a Nigerian court had held that the dismissal of a woman from her employment on her return from maternity leave amounted to a dismissal on account of her pregnancy, and was therefore, unlawful (*Ajiboye V. Dresser Nigeria Limited*, 1972, 7 CC HCJ 57).

As part of government's ongoing efforts at ensuring that the rights of women were well protected within the labour market, the Labour law had been reviewed and approved by the Federal Executive Council and it was awaiting enactment by the National Assembly. The new bill stated that in the event of multiple births, a woman was entitled to four extra weeks' maternity leave.

In relation to Article 12 on equality in access to health care, it was reported that Section 17(3) (c) of the 1999 Constitution has made provisions for ensuring adequate health, safety and welfare services for all persons. In pursuance of the provision of the Constitution, relevant government ministries at all levels in Nigeria, and with the assistance of developmental partners, had vigorously pursued programmes for the provision of health care services. The Federal Government, through the Federal Ministry of Health, had improved on the policy environment towards enhancing the provision of health care services to women and children. In some States, special hospitals for women and children had been established. Statistics indicated slight improvement in some aspects of women's access to health care services in Nigeria. The governments of Kano and Borno States had a policy on free health care for pregnant women, including Post Abortion Care (PAC) services.

Notably, the Medium-Term Plan of Action for Health Sector Reform initiated by the administration was still ongoing. Through the Federal Ministry of Health and other stakeholders, the Federal Government aimed to achieve tangible improvement in seven key areas:

- (i) Primary Health Care;
- (ii) Disease Control;
- (iii) Sexual and Reproductive Health (including STDs and HIV/AIDS);
- (iv) Secondary and tertiary health care drug production;
- (v) Management coordination with development partners;
- (vi) Organisation; and
- (vii) Management of health care delivery.

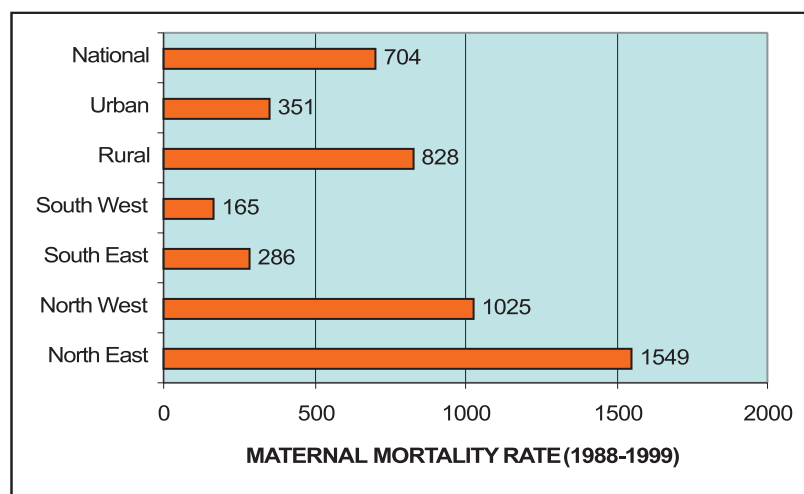
Actual Progress Made to Ensure the Elimination of Discrimination Against Women in the Health Sector:

Actual progress made in this area was determined by increase in the number of health care facilities and centres established since the last reporting period. In the fourth and fifth CEDAW country reports, data for 1999 indicated that there were 18, 258 registered Primary Health Care (PHC) facilities, 3, 275 secondary facilities and 29 tertiary facilities across the country. The 5th report also noted that 67% of the PHC facilities, 25% of secondary facilities and all but one of the tertiary facilities were owned by the public sector.

Statistics on maternal mortality and their geographic disparities reported in the 4th periodic report remains unchanged as shown in the chart below.

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Maternal Mortality Rate by Zones/ Urban and Rural areas (per 100,000 live births)



Source: NDHS, 1999

In pursuit of targets for MDG 4 and 5, i.e., reduction in child mortality and improved maternal health respectively, the African Regional Reproductive Health Task Force, held between 20 and 24 October 2003, in Dakar, Senegal called on all partners to develop and implement a Road Map for accelerated maternal and newborn mortality reduction. Nigeria's Road Map had consequently been developed, as an adaptation of the regional road map. The map provided a framework for building strategic partnerships for increased investment in maternal and newborn health at institutional and programme levels. The implementation at country level would be considered in 2 phases of 5 years each, namely: Phase 1: 2005 – 2009; Phase 2: 2010 – 2014; and Final Reporting year: 2015. In contributing to a reduction in the maternal, neo-natal mortality and morbidity in Nigeria, the UNFPA was supporting capacity building efforts and provision of medical equipment in 15 States of the Federation, especially, in the areas of life-saving skills for midwives. This had resulted in an increase in the number of standard basic PHC facilities in the country.

Section 297 of the Criminal Code (applicable in the South) and Penal Code (applicable in the North) prohibit abortion in Nigeria except when it was done to save the life of the mother.

The section provides that "a person is not criminally responsible for performing in good faith or with reasonable care and skills a surgical operation. ...upon an unborn child for the preservation of the mother's life." The implication was that it was an offence when the surgical operation was not carried out to save or preserve life. While Section 235 of the Penal Code also criminalised "intentional performance of an act" preventing a child from being born alive or causing it to die after its birth". Ground of preservation may include consideration of risk posed by the pregnancy to the mother's physical or mental health. Other offences related to abortion in the Nigerian legal system includes supply of materials knowing that they would be used for abortion. Section 230 of the Criminal Code; and the Penal Code provided that any person who intentionally undertook any act to cause miscarriage was subject to 14 years imprisonment.

Admittedly, maternal mortality rate was still very high in Nigeria. Of the total number of abortions in Nigeria, physicians perform only 40%. Low income women and girls who could not afford the high cost of abortion or who were ignorant of the dangers of unsafe procedures utilised by unqualified individuals, stood high risks of losing their lives. In 2001, the Federal Government adopted a comprehensive national reproductive health policy that provides an excellent framework for addressing the many reproductive health needs of women, and safe abortion, including post abortion care, to the full extent of the law. This policy was one of the only national reproductive health policies

in sub-Saharan Africa which recognised that women had a legal right to abortion in certain circumstances. The policy endorsed the need for legal abortion services to be available, but relatively few or no public health services yet offered such services. Government had endorsed but has not yet applied guidance from the World Health Organisation on provision of safe abortion care beyond the inclusion of safe abortion in the national RH policy.

Unplanned pregnancy remained a concern in Nigeria. Of the approximately 6.6 million pregnancies that occurred each year in Nigeria, 63% ended in planned births, 10% in unplanned births (mistimed or unwanted) births, 11% in induced abortion and 16% in miscarriage. About 25% of pregnancies each year in Nigeria were unplanned (1.4 million), and 760,000, or slightly more than half of these, ended in abortion. Women in the North and in the South were equally likely to have experienced an unwanted pregnancy. Seventeen percent (17%) of women said they ended an unwanted pregnancy because they wished to space the next birth or avoid having any more children (20% in North and 14% in South). The use of modern family planning remained low at 8%. About 25% of women of childbearing age were in need of family planning—they were sexually active and able to have a child but do not want one soon or ever and were not using any contraceptive method. Sixty percent (60%) of Nigerian women who had had an abortion were not using contraception at the time of becoming pregnant. Among women having abortions, those most likely not to have been using contraception were poor women (80%), women with no schooling (78%), adolescents (72%) and those living in the North (71%).

Of the main causes of maternal mortality, unsafe abortion was the single most preventable cause of death. Unsafe abortions remained frequent occurrences, killing over 34,000 Nigerian women annually. Many more women were likely to suffer chronic long-term complications, treatment of which created a drain on government health services. There were plans to reform the laws on abortion. A coalition of NGOs had packaged a bill on abortion and groundwork was in progress to garner support for it to be presented before the National Assembly for passage into law soon. Sexuality education programmes were in place in many states of the federation. Several schools had already adopted the sexuality education curriculum and were already using it.

Nigeria had made significant progress in improving the quality of Post-Abortion Care (PAC) in partnership with NGOs. Ipas, a notable Abuja based international NGO had been actively supporting PAC services in 98 public sector service delivery points in four priority states: Kano, Sokoto, Kebbi, and Borno. These 98 facilities served 6,774 PAC clients between July 2005 and June 2006. About 88% of first-trimester uterine evacuation procedures were performed with MVA in these sites, compared with 82% three years earlier. Ipas was also working with the public health sector and local NGOs in seven focus states (Zamfara, Katsina, Adamawa, Taraba, Rivers, Lagos, and Abuja/Federal Capital Territory) to improve the quality of and access to PAC services.

To strengthen pre-service training, Ipas partnered with the Nursing and Midwifery Council of Nigeria to provide PAC training to midwife educators in all schools of midwifery in the country. All midwife graduates had skills for PAC. A range of technological options was available to help women cope with unintended pregnancy, including emergency contraception after unprotected intercourse and manual vacuum aspiration for safe pregnancy termination. Further, misoprostol, an important drug with a number of obstetric uses, had been registered nationally for management of postpartum haemorrhage. Manual vacuum aspiration (MVA) and misoprostol were part of the proposed Mama Kit (a proposed government-supplied equipment kit for safe motherhood programmes).

Infant and under-five mortality rates were used in the Report to judge the performance of the country in providing health care services to children and pregnant mothers. The NDHS 2003 recorded that infant mortality rate in 2003 (100 per 1, 000 births) was significantly higher than those from the 1999 NDHS (75 per 1, 000) and the 1990 NDHS (87 per 1, 000). The NDHS 2003, however,

noted that the difference between the rates may not indicate an increase in infant mortality, but rather reflected an underestimation during the previous surveys. Still, a mortality rate of 100 per 1, 000 births (10 percent) was on the high side, and efforts were in place to bring this rate to a minimal level.

In addition, rural communities suffered higher infant mortality rates than urban communities, implying that rural areas lacked access to adequate health care services compared to urban areas. Mortality rates in infancy and early childhood are higher in rural than in urban areas. In terms of infant mortality, rural rates (121 per 1, 000) exceed urban rates (81 per 1, 000) by a factor of about 1.5. Much of this difference arose from the neonatal rates. In the case of child mortality, rural rate (139 per 1, 000) exceed urban rate (78 per 1, 000) by a factor of about 1.8. Under-five mortality rate in rural areas (243 per 1, 000) also exceeded urban rate (153 per 1, 000) by a factor of 1.6.

Pre-natal care was acknowledged as a prerequisite to good health for woman and safe child delivery. In the past, government effort at providing health services to women had focused mainly on ante- and neo-natal care. Also, low literacy levels and poor sex education had resulted in low consciousness of reproductive health issues among women. However, there were specific policies developed by the government through the Federal Ministry of Health to improve the reproductive health status of Nigerian women. In particular, the National Reproductive Health Policy and Strategy 2001 were designed to achieve quality reproductive and sexual health for all Nigerians. The National Reproductive Health Strategic Framework and Plan (2002-2006) compliment these documents.

The Strategic Framework of Action had designed programmes targeting safe motherhood, family planning, sexually transmitted infections, HIV/AIDS, adolescent reproductive health, harmful practices (Female Genital Mutilations, etc.), reproductive rights and gender issues, cancers of the reproductive system, infertility and sexual dysfunction, menopause and andropause among others. However, availability of data and statistics to guide evidence-based planning in favour of women's health was still low. Furthermore, there was free provision of pre-natal care for pregnant women in many states of the federation. In addition, maternity leave in Cross River State had been increased from 3 to 4 months. It was remarked in the report, that all tertiary health centres (University teaching hospitals and federal medical centres) in Nigeria had family planning units. Family planning services were also available in most secondary health facilities in Nigeria. However, documented evidences showed that cultural and religious factors were the primary explanations for the under-utilisation of modern family planning services in Nigeria. The rate of prevalence of contraception method had persistently remained low.

As reported, HIV/AIDS was a development and health crisis that constituted a major threat to lives in many Africans. In Nigeria, as in many other parts of the world, gender inequality had continuously made women and girls more vulnerable to the diseases than their male counterparts. Available statistics, however, showed that Nigeria was recording success in its efforts at controlling the epidemic. The HIV prevalence rate declined from 5.6% in 2001 to 5.0% in 2003. A further decline to 4.4% was recorded in 2005. This decline was attributable to a number of programmes, advocacy and awareness campaigns, family planning, sex education, counselling and care for those infected and affected by HIV/ AIDS. The establishment of the NACA, SACA, FACA and LACA at the federal, State and local levels was noted in the report as one of the most aggressive intervention strategies commenced by the Nigerian government in containing the spread of HIV/AIDS in Nigeria. The committee at the federal, State and local government areas was involved in campaigns against the spread of HIV/AIDS.

Other interventions to stem the spread of HIV/AIDS embarked upon by government are presented below:

- (i) The National AIDS/STDs Control Programme (NASCP) was responsible for the

prevention, control and dissemination of health information on HIV/AIDS control in Nigeria. It was the health sector response to the multisectoral HIV/AIDS response and was responsible for about 80% of the critical aspects of prevention, care and support for both people living with and affected by HIV/AIDS. It collaborated with other health related ministries, government agencies, international development partners and donor agencies for most of its activities.

- (ii) The National Anti-Retroviral Therapy (ART) programme started in 2001 with the aim of caring for only 10,000 adults and 5,000 children but as at date of the report, with support from international agencies and development partners especially PEPFAR project and GFATM, ART services were available in over 67 sites where over 50,000 PLWA access ARV drugs. In June 2005, the President of the Federal Republic of Nigeria directed the Federal Ministry of Health and other stakeholders to provide access to ARVs for 250,000 PLWHAs by June 2006, to actualise this, the Hon. Minister of Health inaugurated the Presidential Working Group as well as a larger Presidential Task Force on actualising the Presidential Mandate. The two groups had produced a plan of action for actualisation of the mandate with a cost estimate of about N27billion.
- (iii) The Prevention of Mother to Child Transmission (PMTCT) programme that began with six tertiary sites in 2002 had expanded to over 45 sites and about 42,000 pregnant women had benefited from the Programme. A Draft National PMTCT Training Manual was developed in March, 2005. The PMTCT curriculum was pilot tested in May and June 2005. Training was conducted for health workers in ARV sites with no PMTCT services and a total of 90 health care workers were trained in 14 health facilities, 500 Health care workers were also trained on PMTCT management information system at secondary sites. The PMTCT Guidelines were printed.
- (iv) In May, 2005 a sensitisation training workshop was organised for the Mass Media on the ART programme. In July, 2005 the health education materials on PMTCT were printed in Igbo, Hausa and Yoruba languages for the 11 catchment areas. Draft radio jingles on ART programme in Nigeria were finalised in August and the National PMTCT Programme was evaluated. A HIV Counselling and Testing (HCT) programme had also been introduced. The NASCP conducted two batches of training workshops in March and July 2005 in Benin and Owerri. A total of one hundred and six participating health workers were trained – 49 on HIV/AIDS and 57 on HCT for PMTCT. Also in July, a stakeholders' meeting was held on HCT.
- (v) Epidemiology, Research and Surveillance component had also been introduced to fight the spread of HIV/AIDS. This component in collaboration with WHO, DFID, CDC and other development partners conducted the following surveys in 2005: a National HIV/Syphilis Sero-Prevalence Sentinel Surveillance, National HIV/AIDS and Reproductive Health Survey, Behavioural Surveillance Survey (BSS) among selected High Risk Group and an Integrated Behavioural Surveillance Survey among Selected High Risk Groups. The Laboratory and Blood Safety Component provided guidance and technical input into the new draft National Logistics System Design for the procurement of HIV test kits and ARV drugs. It was also actively involved in the current coordination process in the development of the HIV rapid test non-cold chain dependent combination algorithms for the country.

Since the national reproductive health policy was finalised, resources had been committed to programmes and services aimed at reducing maternal mortality. Committed funds to women's health,

were however, still low. In 2004, there was a budgetary allocation of N100 million (approximately US\$750,000) but only 60 million was accessed (US\$450,000). There had been increased focus by government to proactively address adolescent reproductive health in Nigeria over the years. The National Adolescent Health Policy recognised adolescents as persons within the ages of 10 to 24 years. Specific policy objectives included the creation of a supportive climate for policies and laws addressing adolescent health needs. The National Reproductive Health Policy and Strategy affirms that reproductive health was the right of all individuals including adolescents. The policy paid particular attention to youth and adolescent reproductive health concerns, characterising the state of adolescent reproductive health in Nigeria as “poor”.

The objectives of government in addressing youth reproductive health as outlined in the policy included increasing the proportion of young people who had access to accurate and comprehensive reproductive health information and services; as well as initiating and supporting the enactment and review of laws relevant to adolescent health. The Nigeria National Youth Policy and Strategic Plan of Action also recognised that youths represented the most active and vulnerable segment of the population. The health component of this policy strove to “seek and offer solutions to youth problems such as drug abuse, addiction, teenage pregnancy and sexually transmitted diseases”.

In addition, in 2001, Nigeria’s response to HIV/AIDS, which disproportionately affected young people, was articulated in a 3-year HIV/AIDS Emergency Action Plan (HEAP). Within the framework of HEAP, as outlined in Strategy 5.1, the establishment of youth friendly health services across the nation was a planned activity (5.1.1.28) aimed at reducing the transmission of HIV/AIDS among high-risk youth, both in and out of school. Many CSOs had emerged on the scene working to reverse the poor status of adolescent health in the country. Umbrella bodies such as the Nigerian Association for Promotion of Adolescent Health and Development (NAPHAD), Nigeria Network of NGOs on Population and Reproductive Health (NINPREH) and Civil Society for HIV/AIDS in Nigeria (CiSHAN) had also been formed to coordinate activities of non-governmental organisations (including youth serving NGOs) on adolescent health and development.

Active NGOS in the field of Adolescent Reproductive included Action Health Incorporated (AHI), Girls’ Power Initiative (GPI), Adolescent Health Information Projects (AHIP), etc. AHI worked to improve the poor status of adolescent health and wellbeing. Some of the achievements recorded by the Organisation included the establishment of a Youth centre which provides over 1000 young people with age-appropriate information on a monthly basis. The centre ran an adolescent-friendly clinic which reached over 3000 young people annually with sexual and reproductive health services. AHI Facilitated the establishment of youth-friendly health services in states such as Lagos, Akwa Ibom, Benue, Ebonyi, Bauchi, Borno, Kaduna and Nasarawa. The project in Bauchi, Borno, Kaduna and Nasarawa States, supported by the Packard Foundation had (since 2001) reached over 70,000 young people with youth-friendly sexual and reproductive health information and clinical services through activities implemented by 7 NGOs, 7 government hospitals and 1 school peer education programme.

The Centre trained Master Trainers and Teachers on FLHE curriculum implementation as follows:

- 45 National Master Trainers on behalf of the Federal Ministry of Education);
- 40 teachers from Federal Govt. Colleges on behalf of the Federal Ministry of Education;
- 34 HIV/AIDS Desk Officers from 16 states on behalf of Capacity for Universal Basic Education (CUBE)/British Council);
- 137 Master Trainers from 15 states on behalf of the United Nations Population Fund;
- 1,400 (90%) carrier subject teachers in Lagos State on behalf of the Lagos State Ministry of Education and over 60 NGO programme managers, youth workers and health care providers in various aspects of youth-friendly health services and youth programming;
- AHIP Implemented various programmes focused on improving adolescent health and

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development including peer education sports known as *edutainment*, in Kano. The centre was working with the Kano State Governments to adapt the National Family Life and HIV/AIDS Education (FLHE) curriculum for the State;

- Youth, Adolescent Reflection and Action Centre was focused on mainstreaming sexuality education into schools' programmes through trainings, and use of mobile phones.

The report highlighted key achievements in the health sector between 2005 and 2006. For example, the Female Genital Mutilation (FGM) Day was marked on 6th February 2005. About 120 Nurse Tutors were trained on integration of FGM prevention and management into the schools' curricula of Nursing/Midwifery/Public Health Nurses/ Community Health officers (CHO) in four health zones, namely South East, South west, North East and South-south. In addition, the Female Functional Literacy for Health (FFLH) primer was integrated into the National Mass Literacy Curriculum of the Federal Ministry of Education and was pilot tested in Niger and Oyo States. Also, the Draft Strategic Framework/Plan of Action on VVF eradication has been finalised and a two-week advocacy/sensitisation visit undertaken to high prevalence VVF States namely Kano, Sokoto, Kebbi and Katsina. 545 VVF patients had repair surgery in the period. Others included the acquisition of 10 hectares of land in FCT, Abuja for the Japanese assisted VVF training, treatment and rehabilitation centre at Kwali Area Council, Abuja; and the Federal Ministry of Women Affairs needs assessment survey of the VVF centres in the country undertaken in February 2006, with a view to assisting the women and centres with facilities and other resources.

Also in the report was the Baby Friendly Initiative (BFI), another programme that encouraged breast feeding among mothers. The initiative had commenced programmes on breast feeding with the presentation of grinding machines to recognised established breast-feeding support groups; recognition of successful Baby friendly Health facilities like FMC Keffi, Nasarawa in North Central Nigeria and Ministry of Health, Enugu in South East Nigeria; Radio and TV discussions by the National Coordinator Baby Friendly Initiative and the establishment of crèches in a number of locations. The FMOH/BFI in collaboration with UNICEF trained 108 health workers as counsellors on infant feeding between April and June 2005 to increase the number of counsellors at Prevention of mother to child transmission (PMTCT) sites in Nigeria to enable them acquire counselling skills required to help HIV-positive mothers make informed decisions on infant feeding as it was then the most important intervention to reduce mother to child transmission (MTCT) of HIV. 28 counsellors were also trained – including infant feeding counsellors from various PMTCT sites, PLWH/AIDS and Artistes in October 2005 to enhance their counselling skills.

The BFI in collaboration with UNICEF organised a 5-day workshop in 2005 for the Integration of HIV and Infant Feeding Counselling into Nursing and Midwifery Schools. Participants were selected from the nurse tutors programme schools, Nursing and Midwifery Council, Association of Nurses and Midwives and the subcommittee of the Council; twenty eight participants were trained. The report noted that Nigeria was the first country in West Africa to achieve 98% household access to iodised salt (IDD-USI, Zaria, Nigeria, 2006). This was an important achievement that affected women, as most people who suffered from goitre in Nigeria were women.

The report also noted that poverty constituted a serious problem to the health of women and children in Nigeria. Poverty explained the numerous cases of nutritional deficiencies leading to different kinds of diseases especially among pregnant women and children. This led to the introduction of the National Food and Nutrition Policy 2001 and the National Guidelines on Micronutrients Deficiencies and Control in Nigeria in 2005. Other impediments were traditional practices, especially FGM, which harmed and threatened women's health and made them vulnerable to HIV/AIDS. Government had also invested heavily in support of the National Policy and Plan of Action on Elimination of Female

Genital Mutilation in Nigeria, 2002, while eleven States had passed legislation prohibiting FGM. Other challenges included inadequate access to health services especially in the rural areas of Nigeria.

There were no laws to facilitate access to contraceptives that recognised the confidentiality rights of individuals seeking reproductive health services, particularly adolescents. There were also various forms of prejudices displayed by healthcare providers that constrain young users' access to health care. However, there were pockets of youth friendly health centres in some parts of the country. Even though these were inadequate, some NGOs had set up functional youth friendly centres to meet the needs of young people and adolescents.

According to Nigeria's report, Section 13 – 18 of the 1999 Constitution provides for the promotion of women's social and economic rights. The NEEDS, SEEDS, LEEDS and FEEDS which were launched by the various tiers of government in 2004 aimed at reducing poverty and inequality; and mainstreaming women's concerns and perspectives in all policies and programmes. The Federal Government in March 2006 through the National Population Commission (NPoPC) in collaboration with development partners conducted a National Population and Housing Census to ascertain the actual number of houses and persons by gender with a view to ensuring sustainable infrastructural planning and economic development. The Federal and States Ministries of Women Affairs had recorded substantial success in promoting women's economic and social rights through various skills acquisition programmes, micro credit schemes, public enlightenment campaigns on topical issues and concerns of women. The underlisted progress made by the FMWA and SMWA, NGOs and Development partners had helped to ensure the promotion and protection of women's social and economic rights:

The NCWD since 2002 had been monitoring and evaluating the Women Development Centres (WDCs) nationwide with a view to repositioning them for optimal capacity utilisation. The initial situational report on 25 States submitted in March 2005 brought about the rehabilitation and equipping of some of the Centres to provide training in tailoring, knitting, land cultivation, cookery, and poultry as well as progress on issues regarding gender awareness and human rights. This had resulted in high patronage by literate and non-literate women and girls. A report on the distribution of beneficiaries of WDCs by educational attainment between the years 2002-2004 showed that the WDCs provided training for women at all levels of education. About 95.43% of beneficiaries reported that activities of WDCs were beneficial to them as against 4.5% who reported that they had not benefited from the activities of WDCs. Those who benefited specified the form of benefit to include improved skills (58.70%), increased income (22.1%) and improved literacy (17.39%).

In January 2006, the National Centre for Women Development (NCWD) with support from the Japan International Development Agency developed a standardised gender/vocational training manual to enhance women training at all the Women Development Centres in the 774 LGAs of the federation. The Small and Medium Development Agency of Nigeria (SMEDAN) launched in 2003 to facilitate access to capital by Small and Medium Scale Enterprises (SMEs). Ekiti State Government had given N17million Naira out as revolving loan to 820 cooperative women groups between 2003 and 2004, and 160 Widows had access to N1.5 million Naira as micro credit services. In 2005, the Government of Kano State provided microfinance grants and skill acquisition programme to support two hundred (200) women living with HIV and AIDS. The Needs Assessment Survey which was conducted by the FMWA in March 2006 revealed the existence of 16 well established and well funded Vesico Vaginal Fistula (VVF) Centres in 16 States of the Federation where VVF is very rampant. As a follow up, the Ministry had initiated rehabilitation and economic empowerment programmes for the victims through skills acquisition. NAPEP in 2002 identified and rehabilitated ten (10) VVF centres by donating two hundred thousand Naira (N200,000) as grant to each centre to enable them to run efficiently. In 2003, the Federal Government launched the National Health Insurance Scheme (NHIS) to guarantee

access to health care. The scheme makes provision for 10% subsidy on the medical expenses for women.

The Federal Ministry of Health in partnership with other stakeholders had also designated special days to highlight the issues of health affecting women and the girl child. The days were the 22nd day of May of every year as Safe Motherhood Day and 6th Day of February as FGM Day. Wives of some State Governors in the Country, through their various pet projects and activities, were providing special economic and social programmes for adolescent girls and vulnerable women in their geographic locations. The NCWD was building a databank of all the projects. Government at all tiers had and continued to undertake advocacy and sensitisation programmes to educate women on their economic and social rights through the print and electronic media, seminars, trainings and workshops in collaboration with Development partners. The NCWD, NGOs and women faith-based organisations and CBOs had also carried out intensive dissemination of IEC materials on women economic and social rights. Within the period under review, the Federal Ministry of Information and National Orientation through its Federal Information Centres, Child Rights Information Bureau and media parastatals embarked on series of activities to sensitise women on the Child Rights Acts and CEDAW with the aim of promoting children and women's social and economic rights. Lagos State had established crèches in the market places to enhance women's ability to work while nursing babies.

Despite the successes recorded in promoting the Economic and Social Rights of Women, the report stated that there was still considerable room for improvement. The percentage of women who were below the poverty line was almost twice the number of men. Other critical issues that negatively impact women's economic and social rights included:

- Perceptions that children of female employees were not dependents of their mothers unless the father had died or was of unsound mind. This had implications for women's tax liability;
- Control of wife's resources by husbands resulting in the diversion of loans granted to women for domestic and other expenditure;
- Existence of customary laws and cultural practices that denied women access to ownership of land and property. The Core Welfare Indicators Questionnaire (CWIQ, 2002) revealed that female headed households were less likely to own land than male headed households. More male headed households owned bicycles, motorcycles and cars than female headed households; and
- Gender insensitivity of both State and Federal government budgets.

During the reporting period and in respect of Article 14 on Women in Rural Areas, it was noted that government took measures to promote women's empowerment in the rural areas. Several socio-economic programmes had been initiated to address the issues and concerns of the rural woman at State level. The SEEDS, FEEDS and LEEDS documents which drove government economic reform agenda at all levels sought to achieve self-sufficiency in food through mass production of agricultural raw materials for domestic agro-based industries and for export. Capacity building by the Skills Division of the FMA for rural women in the field of agriculture was conducted regularly. Several State Ministries of Agriculture had also supported women in agriculture located in rural areas with agricultural equipment e.g., women in Ugah, Nassarawa State, Umuamaku in Anambra State and Odogbolu in Ogun State received such support.

In achieving integrated rural development and agricultural production, the various governments had provided subsidies in respect of infrastructure, fertilizer, improved agricultural extension services, harvesting of the country's water resources and development of small-scale rural agro-industries. In March 2006, the FMWA in collaboration with the National Agricultural Cooperative Rural Development

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Bank (NACRDB) established a funding window for micro-credit delivery to grassroots women cooperative societies in 22 States. In furtherance of its commitment to the empowerment of women, the Jigawa State government between 2005 and 2006 provided support to 2000 rural women to be gainfully engaged in Animal Husbandry.

Between 2004 and 2006 the Kano State Government established 11 new cottage industries and reactivated 16 old ones towards improving women's economic status. The Multi Partner Micro-Finance Scheme (MPMF), a programme of NAPEP which emerged from the partnership arrangement between the Central Bank of Nigeria (CBN), commercial banks, micro-finance institutions, cooperative societies, State and Local Government Authorities and other private companies maintained an enlarged pool of funds for lending to women and young people in the rural areas. Rural Telephone Projects were being implemented by the government in partnership with private telecommunication companies and women cooperatives at the rural level to bridge the telecommunication gap and expand women's access to economic opportunities.

Women Cooperative Societies in different parts of the country were also accessing loans under the UNDP and World Bank programmes. Increased involvement of rural women in the "home-grown" (Esusu, Adashe) micro-credit schemes was facilitating women's trading activities and other forms of enterprise. The Borno State government provided grinding machines and water pumps to women in 135 rural communities. In Enugu and Jos, an NGO had implemented various economic, leadership and skill training on/empowerment programmes and activities for over 7000 rural women between 2002 and 2005. The women were trained on rebuilding the society, basic business and marketing skills, women and family law, job creation, dealing with domestic violence and prevention of STIs and HIV/AIDS transmission.

4,525 educationally disadvantaged communities in ten States of the Federation had benefited from training programmes at the community level under the self-help component of the World Bank assisted second Primary Education Project (PEP) (Ministry of Education 2005). The National Policy on Education 2004 provided support services for adult and non-formal education including curriculum development, mobile and rural libraries, television viewing and audio-listening centres, and studio-visual teaching and learning aids. In 2005, the Federal Government, the SMWA in Akwa Ibom and Abia states in collaboration with the International Institute for Tropical Agriculture (IITA) set up various initiatives to maximise cassava production that targeted rural farmers especially women. A similar project, Cassava Revolution, existed in Ogun state. There was increased funding for agriculture, agro-allied activities and fishing under the Agricultural Credit Guarantee Fund (ACGSF) coordinated by NAPEP with many participating banks. In 2004/2005, the Borno State Government gave two (2) corn mills to each of its 27 LGAs and twenty rice husking machines to ten (10) rice producing communities in the State.

The 1st phase of the FADAMA project witnessed low participation of women beneficiaries solely because women did not own land. However, the 2nd phase of the FADAMA project which started in 2004 witnessed an increased number of women beneficiaries due to the in-built gender sensitive requirements for participation. The Federal Government had provided boreholes to facilitate mechanised farming and access feeder roads for easy access to farm land and transportation of farm produce to end users in seventy-five sites across the country. There were six model rural communities in each of the six geopolitical regions of the federation, where the communities were provided with boreholes, palm plantation sites, resting houses, refectories, slashers, and ploughers to reduce drudgery in farming and improve farming techniques.

Kaduna State disbursed a loan of 6 million Naira to 121 indigent women in the state districts to facilitate rural agro-based trading. In addition, 23 cottage industries had been established in the 23 Local government areas of the state. The cottage industries were for processing cassava, honey,

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chili pepper and fruit juice. 450 women in Akwa Ibom, Bayelsa, Delta, Rivers and Ondo states had been trained between November 2005 and May 2006 on environmental violence against women. This led to reduction in conflict between oil companies and communities and increased female participation in negotiation for compensation as a result of oil spillage.

The National Primary Health Care Development Agency (NPHCDA) implemented a Ward Health System which sought to improve and ensure sustainable health services with full and active participation at the grassroots level. The system provided for training of traditional birth attendants on normal and abnormal pregnancies and how to identify women at risk as well as the training of village health workers to identify simple health problems and deal with them. The National Agency for Food Administration and Drug Control had also taken its message of safe drug, food and water consumption to the grassroots through women-focused campaign programmes.

Sixteen states had established Vesico-Vaginal Fistula (VVF) Centres which provided treatment and rehabilitation of victims from rural communities. Bayelsa State provided mobile health services in an ultramodern market to cater for immediate health needs of the predominant number of women that were found in the market. This was coupled with subsidised medical care that was being operated under the state's health scheme. Provisions of free anti-retroviral drugs were also given to HIV/AIDS patients under the scheme. The UNFPA was providing support in the supply of contraceptives to Public Health Facilities, and this has resulted in a drastic reduction in stock-out rates of commodities.

On social services, a Social Security Trust Board was set up in Kebbi State to administer a social security fund for vulnerable children and poor families. A similar initiative was also being implemented by the Social Welfare Department of the Federal Capital Territory, and in Kano and Zamfara states etc. Construction of boreholes for regular supply of water in rural areas nationwide by the Federal Ministry of Water Resources through technical cooperation with development partners. The National Planning Commission in collaboration with the EU Micro Project Programme, between 2002 and 2006, executed various community development projects in nine States (South-South and South East zone) which had positive impact on women. It was reported that in order to publicise the CEDAW Convention, the 4th and 5th CEDAW Periodic Report and its concluding comments, the ministry with the support of development partners such as UNICEF and UNIFEM facilitated a National Stakeholders Debriefing meeting on the outcome of 4th and 5th CEDAW Periodic Report, with a view to drawing attention to the various issues raised and the need for partners to channel efforts at actualising recommendations made by the UN CEDAW Committee.

Further to the above, an advocacy sensitisation meeting with print and electronic media organisations was held to mobilise and enlist their support for the wide dissemination of CEDAW provisions and the concluding remarks on the 4th and 5th Report. At another forum, officials of women machineries at the sub-national level were debriefed on the Concluding Comments in order to create awareness on issues raised to enable them formulate programmes for actualising the comments, especially those that affect the lives of women in the rural areas. About ten thousand copies of the concluding remarks had been re-produced and disseminated nationwide. Also, in 2005, the UNFPA in collaboration with the Rivers State Ministry of Information published and distributed the CEDAW, ICPD, MDGs and Beijing Platform for Action in a reader friendly format.

Women, generally did not participate in decision making at the community level, except they were members of Traditional Village Council or Community Development Committees. However, at the household level, women participated more in decision making because of increase in female headed households. There was also the issue of limited access to justice among rural women due to high legal fees and lack of capacity for asserting rights. Contrarily, most organisations providing free legal services were based in urban centres. Limited access to information as a result of inadequate power supply, inadequate knowledge and skill about information technology was also a major impediment

to the advancement of women in rural communities. Others include lack of equal access to land and opportunities to contribute to decision making processes at the community level, inadequate cultivating, harvesting, processing and storage facilities for women; and traditional beliefs that the use of certain modern technologies hindered women's progress in farming at the rural level.

According to the report on Article 15 which was on equality before the law, the Constitution of the Federal Republic of Nigeria 1999 provides the enabling environment for equality of men and women before the law to be achieved. Section 17 subsection (1) and (2)(a) specifies that the state social order is founded on the ideals of Freedom, Equality and Justice. In furtherance of this order, every citizen is entitled to equality of rights, obligations and opportunities before the law. Furthermore, the combined effect of Sections 33-46 of the same Constitution also guarantees equality of sexes under same conditions. There was in place, the provision of legal aid services for indigent citizens to engage a legal practitioner to represent them in court.

Furthermore, under the Nigerian legal system, the constitution is supreme and any provision of the law that is inconsistent with a constitutional provision shall be null and void to the extent of such inconsistency. The Sharia legal system, operational in certain states, by its guiding principles under the Islamic law, allows equal access to the courts of law for justice and legal remedies. Quranic precept protects women's rights to equality before the law by documenting the case of Khaulat bin Thaalaba, a woman complainant to whom the Quran 58:1 granted full hearing and remedy.

The National Policy on Women adopted in 2000 specified the overriding principles that underpin government's commitment to equality of women and men before the law. In its paragraph 13, titled "Legal Reforms/Legislative Protection", the policy noted that the Nigerian Constitution is explicit on Government's aspirations that all citizens be treated as equal under the law but acknowledged that these aspirations were limited in fulfilment because of the complexity of the Nigerian legal system arising from a tripartite system of laws (Statutory, Customary and the Sharia), which were sometimes contradictory.

The policy further recognised specifically, the right of Nigerian women to enjoy the same privileges as provided in Section 27, Subsection 2a of the 1999 Nigeria Constitution which confers citizenship on a wife of a Nigerian citizen but was not applicable to a husband of a Nigerian citizen. It highlighted the need for harmonisation and legislative protection for vulnerable women. Accordingly, the draft bill for amending the constitution (which did not make it through the National Assembly) reviewed the section by making it applicable to any spouse married to a Nigerian citizen.

- As reported, the following reform measures were undertaken to enhance equality before the law:
- In order to address the impact of discriminatory laws and practices on women as well as unequal access to justice, several reform measures had been initiated especially in the hindsight of the 2005 NCWD/UNICEF/World Bank-IDF project discussed severally in earlier paragraphs;
- The Domestic Violence (Prevention) Bill 2005 which sought to prevent domestic violence and empower courts to grant protection orders to victims of such violence; and
- The Violence (Prohibition) Bill 2003 which was presented to the National Assembly by the Legislative Advocacy Coalition on Violence against Women (LACVAW). The bill sought to outlaw, rape, incest, etc., establish a trust fund for victims of violence and set up a Commission to aid victims. Advocacy for its passage into law was ongoing.

In 2004, the Attorney General of the Federation and Minister for Justice (AG) inaugurated a National Committee to Review the Administration of Justice Law. The Committee submitted a final draft national bill on Criminal procedure containing recommendations for the simplification of the criminal

procedure to accommodate the interests of vulnerable groups including women and children. In 2005, the AG inaugurated another National Committee on the Review of Discriminatory Laws against Women with the National Human Rights Commission facilitating the process. The outcome was the Abolition of all Forms of Discrimination Against Women in Nigeria and other Related Matters Bill, 2006 which sought to domesticate CEDAW, promote affirmative action and abolish all forms of discrimination against women. It was an executive bill under consideration by the national assembly.

The Elimination of Violence in Society Bill, 2006 was tabled by the Federal Ministry of Justice for consideration as an executive bill by the House of Representatives and Senate. The bill sought to end, by prohibiting and punishing perpetrators of all forms of violence in the society. Nigeria's president Obasanjo inaugurated on March 16, 2006, a seven-member, Presidential Commission on the Reform of the Administration of Justice. The Commission was charged with the responsibility of:

- (i) developing a strategic plan for the reform of the administration of Justice sector in Nigeria;
- (ii) proposing modalities for the efficient coordination and functioning of the various agencies of the Justice system;
- (iii) evolving a national crime prevention strategy; and
- (iv) developing a legislative framework for the protection of the rights of victims of crime and human rights violations, especially women and children. It was expected that the reform would include fair representation of women in the judiciary, the Police Force and Prisons Service.

As reported, in spite of the constitutional and administrative measures in place, several issues account for the limited access of women to justice in Nigeria amongst which were: The high cost of litigation, including lawyer's and court fees, which made it unaffordable for most women due to their low economic status in society; the inaccessibility of courts of law due to their distance/locations coupled with poor transportation systems; the barrier deriving from use of English rather than local languages as the medium for communication in courts and the complex nature of the court system were all major inhibitive factors for most poor/rural women.

On Article 16 relating to equality in marriage and family, the report noted that preceding reports had acknowledged the existence of discriminatory practices and provisions in the civil, religious and customary laws dealing with age of marriage, consent in marriage, inheritance, maintenance, FGM, divorce, widowhood practices, and polygamy, among others. Accordingly, it was considered as noteworthy that the NCWD led a national study on discriminatory laws, practices and court decisions relating to the status of women and children in Nigeria cited in Article 2 of this report, reviewed and analysed the tripartite systems of law from a gender perspective. The report of the study published in October 2005 contained a number of recommendations to Nigeria's Federal and State Governments for the amendment or outright abolition of provisions of discriminatory and obnoxious laws.

Precedent cases proposed for amendment included court decisions such as the *Akinbuwa vs. Akinbuwa and Otti vs. Otti*, case which upheld the objectionable provisions of Sections 15(2) (c.) and 16(e) of the Matrimonial Causes Act, recognising extreme violence as a ground for divorce. Judgment was premised on extant provisions which required that the abusive spouse must have been convicted of a list of other serious offences before such violence could be ground for a divorce. The proposed amendment was that any degree of violence should be a ground for divorce; and the abusive spouse need not have been convicted of any of the listed offences. Previous abuses or violence on the spouse/petitioner should simply be required as confirmatory evidence of such violence that was presented as ground for divorce.

Also recommended for repeal was Section 55(1) (d) of the Northern States Penal Code Law which endorsed wife battery as chastisement and equated the relationship of husband and wife with that of a master and servant. It gave a husband license to discipline his wife by beating. This recommendation was aimed at promoting and protecting the rights of women to equality in marriage. The findings and recommendations of the 138-page report were fully integrated into the final draft of the 'Abolition of all Forms of Discrimination Against Women in Nigeria and other Related Matters Bill, 2006'. The bill was under consideration in the National Assembly. Similarly, the 7-member Presidential Commission on the Reform of the Administration of Justice in Nigeria was considering the recommendations in the report as part of its mandate. Nigeria had also ratified the Protocol to the African Charter on the Rights of Women in Africa while Advocacy for the domestication of the Protocol and CEDAW were vibrant and there was political will for its passage into law. This was evident in the packaging of the CEDAW bill as an executive bill forwarded to the Senate by the President.

Pertinent aspects of the African protocol that align with CEDAW, as reported, are:

- (a). Article 21 which provides that, a widow shall have the right to an equitable share in the inheritance of the property of her husband and to continue to live in the matrimonial house. In case of re-marriage, she shall retain this right if the house belongs to her or she has inherited it. Also women and men shall have the right to inherit, in equitable shares, their parents' properties. During her marriage, a woman shall have the right to acquire her own property and to administer and manage it freely.
- b). Article 6 which enjoin States Parties to ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. It further requires parties to enact appropriate national legislative measures to guarantee that every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised.

The protocol once domesticated, would definitely create a legal framework for women married under the customary law to take action against any form of discriminatory practices as such marriages would be recognised and share benefits inherent in statutory law marriages. As cited in the report, to further guarantee equality in marriage, Section 21 of the Child's Rights Act stipulates eighteen years as the minimum age for marriage and betrothal. This takes care of the absence of a fixed age of marriage in the *Marriage Act, Cap. M6, Vol. 8, Laws of the Federation of Nigeria, 2004*, and the *Matrimonial Causes Act, Cap. M.7, Vol.8, Laws of the Federation of Nigeria, 2004*, and outlaws the arbitrary fixing of age of marriage under customary and traditional practices. At least ten states of the Federation had adopted the provisions of the Child's Rights Act, 2003.

The report of the National Political Reform Conference convened between 2004 and 2005 to review the constitution of Nigeria released in May 2005, found among other things, that:

- (a) Denial to women, children and other minorities of socio-economic rights, especially equal rights to own land, equal access to and participation in economic and political activities and processes, constituted gross violations of Nigeria's international obligations.
- (b) Several provisions of the criminal and civil laws were discriminatory against women and such laws were inconsistent with Nigeria's international obligations. The Reform Conference also recommended the following actions:
 - (i) That Equal Opportunities Commission should be established to replace the Federal Character Commission.
 - (ii) That the discriminatory and gender insensitive provisions of Sections 55 (1) (d) and 282 of the Penal Code of Northern Nigeria; 221, 353 and 360 of the Criminal Code Act, and 26 (2) of the 1999 Nigerian Constitution regarding citizenship be repealed;

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- (iii) That the provisions of Section 1 of the Criminal Code Act on the definition of prostitution be reviewed; and Section 16(2) (c) of the Matrimonial Causes Act on proof of conviction before cruelty was established be also reviewed;
- (iv) That the rights of widows be entrenched in the Constitution; and
- (v) That all Nigerian laws be reviewed to reflect gender sensitive language.

These recommendations had inspired activism on the part of both civil society organisations and government to push for the earlier mentioned legal reforms and to monitor their implementation at both the national and state levels. On other related initiatives by NGOs and Government, WRAPA's work on Codification of Muslim Family Laws (2005/6), to give married women enhanced access to justice, protection of their equal rights in marriage, divorce and ownership of property, would facilitate uniform decisions within the judiciary once enacted. The codification will also enhance the judiciary's ability to interpret and enforce legislation in a gender-equitable way because the proposed code accommodates both international equality norms and progressive interpretations of Sharia used in other Muslim countries.

A validation workshop held in April 2006, reviewed the findings and recommendations of the Report on the Review of Reproductive Health Policies and Legislations in Nigeria. Under the coordination of the Independent Policy Group, Abuja, supported by ENHANSE/USAID, a policy brief had been prepared for President Obasanjo and submitted to the Federal Ministry of Health for due consideration. The review identified gaps in the existing policies and legislations and made policy-oriented recommendations that sought to address the problem of maternal mortality and enhance the promotion and protection of the rights of women in Nigeria. Also worthy of mention were the health sector initiatives on gender-based violence embarked upon by Federal Ministry of Health. These included the development of a draft policy guideline for the management and control of Gender-Based Violence (GBV) targeting health workers, law enforcement agents and the Judiciary. This was a follow-up to the findings of its 2003 National HIV/AIDS and Reproductive Health Survey.

According to the March 2006 Report on Gender Mainstreaming and Future Challenges towards Gender Equality in Nigeria, commissioned by the Government of Japan, and conducted by WRAPA, Abuja, the draft policy guideline was tested between December 2005 - January 2006 and utilised for the training of different categories of target groups in Lagos. Between 2004 and June 2006, the underlisted Nigerian NGOs and several others, engaged in diverse public education activities, capacity building initiatives, legal assistance and counseling services for female victims and survivors of violence and violation of human rights: Project Alert, Lagos; WRAPA, Abuja; BAOBAB for Women's Human Rights, Lagos; WACOL, Enugu; Action Health Incorporated, Lagos; Girls' Power Initiative (GPI), Calabar; WOCON, Lagos; CIRDDOC, Enugu; WOTCLEF, Abuja; Women's Optimum Development, WARDC, Lagos; GADA Lagos; LRRDC Lagos, AHIP, Kano; GHARF Enugu; WHARC, Benin, etc. Highlights of the Gender Mainstreaming Report produced also revealed that GBV is influenced largely by women's reluctance to discuss violence; lack of adequate support and protection for women who disclosed having been abused; lack of existing laws to adequately protect victims; and lack of technical competence and resources, among others.

Among recommendations proposed to redress GBV concerns were:

- (a) Increase in public and private sector budgetary allocation for gender mainstreaming programmes/activities.
- (b) Increased dialogue with traditional and religious gatekeepers to build on current efforts for greater impact to reduce harmful socio-cultural practices.
- (c) Strengthened statistical capacity for collecting and disseminating gender disaggregated data to aid policy formulation, programme planning and implementation as well as gender specific outcomes.

- (d) Governments to intensify efforts towards girl-child education in the North West, North East and North Central and tackle in addition, male-child education crisis in the South-East and South-South.
- (e) Intensify community-based sensitisation programmes towards the elimination of gender-based violence, such as FGM, early marriage, widowhood practices and wife inheritance, etc.

It was remarked that WACOL, an Enugu based NGO had an ultra-modern shelter/safe haven where it provided temporary shelter for female victims of battery and violence at the peak of crisis pending the outcome of legal action. Similarly, in Lagos, Project Alert on Violence against Women (PROLERT) was running a shelter for women who had suffered abuse or any forms of violence.

According to the report, the dearth of gender disaggregated data was a major constraint to the achievement of equality of women and men before the law, depriving gender actors' evidence to argue for affirmative action and gender specific concessions and interventions as a strategy for attaining gender equality. There was therefore, need to have useful data on the prevalence and pattern of violence against women and discriminatory practices in the various parts of the country. Another constraint was the inadequate legal framework and enforcement mechanisms for existing legislation. Whereas Nigeria was signatory to an array of international human rights instruments which affirm in clear terms the aspirations of enhancing women's rights, Nigeria also had an array of laws reflecting aspirations in direct variance to what these international instruments espouse. Nigeria still had many customary laws that provide institutional support for practices such as early marriage, early and unspaced child bearing, FGM, widowhood rites and dis-inheritance that limited women's enjoyment of their right to equality. Even where statutory laws existed to outlaw some of these inimical customary and religious practices, practical experience and evidence abounded that enforcement level was negligible.

According to the report, although CEDAW was yet to be domesticated as part of Nigerian law due to the procedural reasons mentioned in the previous and current country reports, it was worth noting that the cumulative effect of the ongoing reform measures highlighted in this report, sought to pave way for its eventual incorporation into Nigerian law in the shortest possible time. Furthermore, short of domesticating CEDAW, Nigerian Courts were not precluded by any law from taking the provisions of CEDAW into consideration in arriving at decisions involving questions of non-discrimination and equality.

On the obligation to eliminate discrimination, Nigeria had amply demonstrated her obligation and intent to eliminate discrimination as evident in current and past reports. Indicators contained in this report reflected that numerous legislative, policy and advocacy efforts had been and were still being taken by governments and civil society groups as well as development partners, to eliminate discrimination against women in Nigeria. Despite the existence of socio-cultural practices and discriminatory policies that militated against women's enhanced status in education, health, economic and social life, observations were that within the reporting period, proactive measures had been taken by governments at all levels to ensure the progressive realisation of both qualitative and quantitative female education, improved access to health care and social services, economic and political opportunities.

Government's success levels in the above critical areas recorded in the report was essentially due to the collaborative and cooperative efforts of development partners, donor agencies and the aggressive and sustained campaigns/initiatives embarked upon and being organised by Civil Society Groups nationwide. There are other obstacles to women's equality. Development status and indicators contained in the report acknowledged the fact that several reasons accounted for women's unequal access to justice, economic resources and persistent inequality in marriage and family

relations in Nigeria. However, the reform measures put in place by government, coupled with other initiatives being pursued by NGOs and supported by donor agencies, sought to systematically and gradually remove such impediments in favour of women's enhanced status.

As reported, having noted the ongoing reform measures in most of the sectors of the Nigerian economy tailored towards mainstreaming gender in law, policy, government, politics and economy, there was still need for government to redouble her efforts by ensuring that adequate budgetary allocations were made and released in timely manner for gender-oriented intervention programmes/activities. In addition, sustained political will was required to progressively mainstream gender in budgeting, governance, health, constitutionalism, access to economic resources as well as social services. Furthermore, the human, technical, material and financial capacity of civil society groups and gender machineries at all levels needed to be strengthened to enable them embark upon effective and results-focused monitoring and evaluation of the reform measures and other initiatives highlighted in the report.

9.9 Concluding Observation of the Sixth Periodic Report

The Committee considered the 6th Periodic Report of Nigeria (CEDAW/C/NGA/6) at its 836th and 837th meetings, on 3 July 2008. The Committee expressed its appreciation to the State party for its 6th Periodic Report, which followed the Committee's guidelines for the preparation of periodic reports and took into account the Committee's previous concluding observations. The Committee noted with appreciation the participatory process by which the report was prepared, including the holding of public consultations and the involvement of civil society organisations.

The Committee also expressed its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed by the Committee. The Committee commended the State party for its large delegation headed by the Minister for Women Affairs and Social Development, which included representatives of various Government ministries, departments and agencies, members of the National Assembly, as well as representatives from civil society. The Committee appreciated the open and constructive dialogue that took place between the delegation and members of the Committee and notes with appreciation that the State party ratified the Optional Protocol to the Convention in November 2004.

The Committee welcomed the adoption of the National Gender Policy in 2007, which constituted a comprehensive framework for promoting gender equality and the advancement of women. The Committee encouraged the State party to take the necessary measures to ensure its full implementation and operationalisation. The Committee also welcomed the adoption of a number of strategies, policies and programmes on areas such as education, health, reproductive health and nutrition since the consideration of Nigeria's combined fourth and fifth periodic report in 2004.

The Committee noted with appreciation the close collaboration of the State party with non-governmental organisations and other civil society groups in the promotion of women's human rights and gender equality, including through consultations, membership in task forces or committees, and contribution to legislative processes. The Committee encouraged the Government to further develop such collaboration. The Committee commended the State party on its ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.

The Committee noted principal areas of concern. While taking cognisance of Nigeria's federal structure, which establishes a three-tiered system of governance at the national, state and local levels, the Committee underlined that principal responsibility for implementation of the Convention

lies with the federal government and called upon the State party to undertake all necessary measures to ensure the full implementation of the Convention in a consistent and coherent manner across its territory. While recalling the obligation of the State party to implement all the provisions of the Convention systematically and continuously, the Committee viewed the concerns and recommendations identified in the present concluding observations as requiring the priority attention of the State party. Consequently, it called on the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It also called on the State party to submit the present concluding observations to all relevant ministries, to the National and State Assemblies and the judiciary in order to ensure their effective implementation.

Noting the rejection by the National Assembly of a 2005 draft bill on full domestication of the Convention, the Committee expressed its concern that the Convention had yet to be domesticated as part of national law despite its ratification in 1985 without any reservations. As expressed in its previous concluding observations of 2004, the Committee was concerned that without such domestication, the Convention was not a part of the national legal framework and its provisions were not justiciable and enforceable in Nigerian courts. The Committee recalled its previous recommendation and urged the State party to place high priority on completing the process of full domestication of the Convention. It called on the State party to intensify its efforts to ensure the passage of the draft bill on domestication of the Convention, including through the holding of consultations with government officials, political leaders and members of the National Assembly, civil society organisations, and other relevant stakeholders, with a view to raising awareness and broadening understanding of the Convention, as well as building support for the draft bill.

The Committee welcomed efforts undertaken by the State party in the area of legal reform, such as the publication of a study compiling all national, state and local laws, policies and practices relating to the status of women and children and the establishment of a Committee on Reform of Discriminatory Laws against Women. However, it expressed serious concern over discriminatory provisions in the Constitution, including Section 26(2), which does not allow a Nigerian woman to transmit her nationality to her foreign spouse on the same basis as a Nigerian man. The Committee also expressed serious concern at other discriminatory laws at both the federal and state levels, including those that allowed wife battery as chastisement as long as grievous harm was not inflicted (Section 55 of the Penal Code of Northern Nigeria), prohibited women from working at night in certain sectors of employment (Section 55 of Chapter 198 of the 1990 Labour Act of Nigeria), and classified sexual assault against female victims as a misdemeanour (Section 360 of the Criminal Code). Further, the Committee noted that a draft bill on "Abolition of All Forms of Discrimination against Women in Nigeria and Other Related Matters" was not approved by the National Assembly.

In line with its previous recommendation of 2004, the Committee called on the State party to set a concrete timetable for amending all provisions in the Constitution and in federal and state legislation that discriminated against women. The Committee also urged the State party to accelerate and expand its efforts at legislative reform, including with respect to the laws identified in the above-mentioned study. It recommended that the State party also repeal Section 55 of the Penal Code of Northern Nigeria, Section 55 of Chapter 198 of the 1990 Labour Act of Nigeria and Section 360 of the Criminal Code, and ensure that those responsible for the implementation of these laws and policies were made aware of their discriminatory contents. The Committee also recommended that awareness-raising and advocacy campaigns be developed and implemented, involving parliamentarians, civil society and the general public, including religious and traditional leaders, in order to enhance understanding of the provisions of the Convention and support for the principle of gender equality and the prohibition of discrimination. It further called on the State

party to ensure that the Convention and related domestic legislation were made an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, so as to firmly establish in the country a legal culture supportive of women's equality and non-discrimination.

While welcoming the adoption by 18 states of the Child Rights Act, which sets the minimum age of marriage at 18 years, the Committee noted with concern Section 29(4) of the Constitution, which states that a woman was deemed to be of full age upon marriage thereby lending support to early marriages. The Committee urged the State party to repeal without delay Section 29(4) of the Constitution. It also urged the State party to ensure that those states that had not yet done so adopt the Child Rights Act without delay and ensure its effective implementation.

The Committee expressed concern at contradictions and inconsistencies created by the application of statutory, customary and sharia laws in the State party's tripartite legal system, particularly in the areas of marriage and family law. It also noted with concern the existence of discriminatory provisions within these sources of law with regard to marriage, divorce, custody of children and inheritance. Recalling its previous concluding observations of 2004, the Committee reiterated that the tripartite legal system resulted in a lack of compliance by the State party with its obligations under the Convention and led to continuing discrimination against women.

While noting the ongoing process of review of family laws by the Nigerian Law Reform Commission, the Committee urged the State party to accelerate and expand its efforts towards the harmonisation of marriage and family laws in line with Articles 2 and 16 of the Convention. The Committee requested the State party to report on the progress as well as outcomes achieved with regard to the above-mentioned process of review in its next periodic report. The Committee was concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes concerning women's roles and responsibilities that discriminated against women and perpetuate their subordination within the family and society. It noted that such discriminatory attitudes and stereotypes constitute serious obstacles to women's enjoyment of their human rights and the fulfilment of the rights enshrined in the Convention. The Committee was thus concerned by the lack of information in the State party's report on the measures taken and programmes or strategies in place to combat and address such discriminatory attitudes and stereotypes. The Committee also expressed serious concern about the persistence of entrenched harmful traditional and cultural norms and practices, including widowhood rites and practices.

In line with its previous recommendation of 2004, the Committee urged the State party to continue to take measures, including the enactment of national legislation, to modify or eliminate traditional and cultural practices and stereotypes that discriminate against women in accordance with Articles 2(f) and 5(a) of the Convention. It urged the State party to intensify cooperation in this regard with civil society organisations, women's groups and community leaders, traditional and religious leaders, as well as teachers and the media. The Committee invited the State party to increase its efforts to design and implement long-term strategies, as well as education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling environment for the elimination of stereotypes and practices that were discriminatory to women and disallowing them from exercising their fundamental rights. It further called on the State party to periodically review the measures taken in order to assess their impact, to take appropriate action and to report thereon to the Committee in its next report.

The Committee noted the continued high incidence of female genital mutilation in some areas of the country. It also noted with concern the absence of national legislation prohibiting this harmful traditional practice. The Committee urged the State party to enact national legislation to prohibit female genital mutilation, including penalties for perpetrators, remedies and support for victims,

with a view to eliminating this harmful practice. The Committee urged the State party to increase its efforts to design and implement long-term strategies, as well as education and awareness-raising programmes involving traditional and religious leaders, women's organisations and the general public.

The Committee was concerned about the continuing prevalence of violence against women, including domestic violence. The Committee was also concerned by the absence of a comprehensive national law on violence against women and noted that a number of draft bills, such as the 2006 bill on "Elimination of Violence in Society" and the 2003 bill on "Violence against women", remained pending before the National Assembly. While acknowledging the efforts made by the State party to address the issue, including awareness-raising measures, training programmes and the provision of support services to victims, the Committee remained concerned about the absence of a comprehensive national strategy and programme to combat all forms of violence against women. The Committee also noted with concern that the majority of services for victims, including shelters, are provided by non-governmental organisations with limited support, including financial support, by the State party.

The Committee urged the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee called on the State party to enact comprehensive legislation on all forms of violence against women, including domestic violence, as soon as possible. Such legislation should ensure that all forms of violence against women constitute a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection, and that perpetrators are prosecuted and punished. The Committee recommended the expansion of training activities and programmes for parliamentarians, the judiciary and public officials, particularly law enforcement personnel and for health-service providers, to ensure that they are sensitised to all forms of violence against women and can provide adequate support to victims.

It further recommended the expansion of public awareness-raising campaigns on all forms of violence against women. The Committee also recommended the establishment of additional counselling and other support services for victims of violence, including shelters, and implored the State party to enhance its cooperation with and support for non-governmental organisations working in the area of violence against women. It also requested that the State party provide information in its next report on the laws and programmes in place to deal with violence against women and on the impact of such measures, as well as data and trends on the prevalence of various forms of violence. While acknowledging the measures taken by the State party to combat trafficking in women and children, including the adoption of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act of 2003, as amended in 2005, the establishment of the National Agency for the Prohibition of Trafficking in Persons, and the various cooperation agreements reached with other countries, the Committee was concerned by the continuing prevalence and extent of this problem.

To this regard, it urged the State party to ensure the full implementation of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, including the prosecution and punishment of offenders. The Committee also recommended that the State party give priority attention to the protection, including witness protection, counselling and rehabilitation of victims, especially girl children. It further called on the State party to enhance measures aimed at the prevention of trafficking, including economic measures to reduce the vulnerability of women and girls, as well as awareness-raising and information campaigns, particularly in communities most at risk. The Committee also called on the State party to intensify international, regional and

bilateral cooperation with other countries of origin, transit and destination of trafficked women and girls.

Recalling its previous concluding observations of 2004, and while noting the efforts made to increase the number of women in both elective and appointed positions in public office, the diplomatic service and in international organisations, the Committee was concerned that women continued to be seriously underrepresented in political and public life, especially in leadership and decision-making positions. The Committee noted that women's representation in the National Assembly currently stands at 6.9% in the House of Representatives and 8.3% in the Senate, which are far below the 35% minimum representation stipulated in the National Gender Policy.

Recalling its previous recommendation, the Committee called on the State party to take measures, with benchmarks and concrete timetables, to increase the number of women in political and public life at all levels and in all areas, in light of its general recommendation 23 on women in political and public life. It also recommended that the State party introduce temporary special measures, in accordance with Article 4, paragraph 1, of the Convention and general recommendation 25, to strengthen its efforts to promote women to positions of leadership. To that end, the Committee urged the State party to increase the availability of training and capacity-building programmes for women wishing to enter or already in public office and to enhance its awareness-raising campaigns on the importance of women's participation in political and public life.

Recalling its previous concluding observations of 2004, the Committee noted with concern the persisting wage gap between men and women, women's higher unemployment rate, and women's concentration in certain sectors, namely agriculture, animal husbandry, and service. The Committee also noted that women were predominantly employed in the informal sector resulting in their exclusion from formal social security programmes. The Committee expressed concern about the persistence of discriminatory legislation, administrative regulations and practices in the labour market. Specific reference was made in this regard to provisions of the Labour Act, which prohibit the employment of women in night work and in work underground, the Factories Act, which did not recognise the specific health and reproductive needs of women, the Nigerian Police Regulations, which prohibit the enlistment of married women and require women officers to request permission to marry in writing. The Committee also noted with concern discriminatory practices in the private sector, particularly in the banking sector, with respect to maternity and marital status. The Committee further noted the prevalence of sexual harassment in the workplace and the absence of legislation and measures to address this.

It recommended the adoption of measures to guarantee the implementation of all the provisions of Article 11 of the Convention and the implementation of the relevant conventions of the International Labour Organisation that have been ratified by Nigeria. It further urged the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with Article 4, paragraph 1 of the Convention and general recommendation 25. It also recommended that the State party pay particular attention to the conditions of women workers in the informal sector with a view to ensuring their access to social services. To this end, it urged the State party to review, as a matter of priority, discriminatory laws and regulations with a view to repealing or amending them in accordance with Article 11 of the Convention. The Committee also called on the State party to enact legislation prohibiting sexual harassment in the workplace, including sanctions, civil remedies and compensation for victims. The Committee further urged the State party to establish an effective monitoring and regulatory mechanism on employment issues and practices in the private sector.

Taking note of the existence of a draft Labour Standards Bill, which, inter alia, prohibits discrimination in employment or occupation and guarantees the right to equal remuneration for

work of equal value, the Committee requested that the State party include detailed information on the content, implementation and enforcement of such standards in its next periodic report. While commending the State party for the measures taken to strengthen the national health system, including the recent approval by the National Assembly of the National Health Bill, as well as the adoption of policies and programmes to address various health challenges, the Committee reiterated its grave concern at the precarious situation of women's health, as well as the insufficient number and inadequacy of health care facilities, particularly in rural areas. Responsibility for the provision of health services, it noted, is currently divided across the three tiers of government, with local governments shouldering responsibility for the primary health care system. It noted with concern that primary health care services and facilities are often inadequate in quality, number and funding. The Committee also expressed concern about the prevalence of malaria and HIV/AIDS among women and girls in the country.

The Committee urged the State party to continue its efforts to improve the country's health infrastructure, particularly at the primary level, and to integrate a gender perspective into all health sector reforms. It also urged the State party to improve women's access to quality and affordable health care and health-related services, particularly at the primary level and in rural areas. It further urged the State party to introduce a holistic and life cycle approach to women's health, taking into cognisance its general recommendation 24 on women and health and called on the State party to ensure the full implementation of policies and programmes to prevent and combat malaria and HIV/AIDS. It further implored the State party to implement awareness-raising campaigns to enhance women's knowledge of health issues, and pay special attention to the prevention and control of sexually transmitted diseases and HIV/AIDS.

The Committee was especially concerned at the very high maternal mortality rate, the second highest in the world, and regretted that there had been no progress in reducing the maternal mortality rate since the consideration of the State party's combined fourth and fifth periodic report in 2004. The Committee also noted the various contributing factors, such as unsafe abortions and inadequate post-abortion care, early and child marriages, early pregnancies, high fertility rates and inadequate family planning services, the low rates of contraceptive usage leading to unwanted and unplanned pregnancies and the lack of sex education, especially in rural areas. The Committee expressed concern about the lack of access by women and girls to adequate health care services, including pre-natal and post-natal care, obstetric services and family planning information, particularly in rural areas.

The Committee urged the State party to address, as a matter of priority, the high maternal mortality rate, including the allocation of adequate resources to increase women's access to affordable health services, particularly pre-natal, post-natal and obstetric services, as well as other medical and emergency assistance provided by trained personnel, particularly in rural areas. It called upon the State party to improve the availability and affordability of sexual and reproductive health services, including family planning information and services. It recommended the adoption of measures to increase knowledge of, and access to, affordable contraceptive methods, so that women and men could make informed choices about the number and spacing of children. It also called upon the State party to assess the impact of its abortion law on the maternal mortality rate and to give consideration to its reform or modification. It further called upon the State party to implement awareness-raising campaigns to enhance women's knowledge of reproductive health issues and recommended that sex education be widely promoted and targeted at adolescent girls and boys. The Committee requested that the State party provide detailed information on the measures taken to reduce the maternal mortality rate, as well as their impact, in its next periodic report to the Committee.

While taking note of the State party's comprehensive development and poverty reduction strategies implemented at the national, state and local levels, as well as initiatives to address women's economic empowerment, such as the Women's Fund for Economic Empowerment and the Business Development Fund for Women, the Committee was concerned that widespread poverty among women, particularly rural women and women head of households, as well as poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against women. It noted with concern that discriminatory practices with regard to land ownership, administration of property and inheritance, limit women's access to economic resources, as well as credit and loan facilities. The situation of rural women, was of particular concern to the concern, especially in view of their precarious living conditions and lack of access to justice, health care, education, credit facilities, economic opportunities and community services.

The Committee urged the State party to ensure that the promotion of gender equality was an explicit component of its national, state and local development plans and programmes, in particular those aimed at poverty reduction and sustainable development. The Committee also urged the State party to pay special attention to the needs of rural women and women heads of households, ensuring that they participate in decision-making processes and have full access to credit facilities. It further urged the State party to ensure that rural women have access to health services, education, clean water, electricity, land, and income-generating projects. In addition, it recommended that the State party design and implement gender-sensitive rural development strategies and programmes, and ensure full participation of rural women in their formulation and implementation.

Also, of concern to the Committee is the situation of internally-displaced women, including women with disabilities, displaced by violence and conflict, particularly in view of their precarious living conditions in camps where they are at increased risk of sexual and other forms of violence, and lack access to health care, education and economic opportunities. The Committee requested the State party to pay particular attention to the needs of internally-displaced women, including women with disabilities, through the adoption of a national policy on displacement in line with Security Council resolutions 1325 and 1820, and the formulation and implementation of gender-sensitive plans and programmes for social re-integration, capacity-building and training of internally-displaced persons. It further recommends that the Inter-Ministerial Task Force on Gender and Peacekeeping pay particular attention to the situation of internally-displaced women and requested that the State party ensure the protection of internally-displaced women from violence and their access to immediate means of redress.

The Committee encouraged the State party to accept, as soon as possible, the amendment to Article 20, paragraph 1, of the Convention concerning the meeting time of the Committee. The Committee urged the State party to utilise fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforced the provisions of the Convention and requested the State party to include information thereon in its next periodic report. The Committee also emphasised that full and effective implementation of the Convention was indispensable for achieving the Millennium Development Goals. It called for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requested that the State party include information thereon in its next periodic report. The Committee noted that States' adherence to the nine major international human rights instruments⁵⁷ enhanced the enjoyment

⁵⁷ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or

by women of their human rights and fundamental freedoms in all aspects of life. Therefore, it encouraged the Government of Nigeria to ratify the treaties to which it was not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

The Committee requested the wide dissemination in Nigeria of the present concluding observations in order to make the people, including government officials, politicians, parliamentarians as well as human and women's rights organisations, aware of the measures that had been taken to ensure de jure and de facto equality of women, and the further steps that were required in this regard. In particular, the Committee encouraged the State party to convene a public forum involving all State actors and civil society to discuss the presentation of the report and the content of the concluding observations. It requested the State party to continue to disseminate widely, in particular to women's and human rights organisations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the Twenty-Third Special Session of the General Assembly, entitled, "Women 2000: Gender Equality, Development and Peace for the Twenty-First Century".

The Committee requested the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under Article 18 of the Convention. The Committee invited the State party to submit its seventh periodic report, which was due in July 2010, and its eighth periodic report, which was due in July 2014, in a combined report in 2014.

9.10 Nigeria's Seventh and Eight Report

In fulfilment of its obligations as signatory to the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Government of Nigeria submitted its 6th Periodic report in July 2006 (covering the period 2003-2006). The report outlined the progress recorded in the implementation of the provisions of the Convention. The 7th and 8th Country Periodic Report built on previous efforts by the Nigerian Government, its agencies and partners at implementing the Convention and it covered the period July 2006-December 2014). As reported, according to the 2006 population census, Nigeria had a population of approximately 140 million and a projected population of approximately 168.8 million for 2011 (National Population Commission, 2011).

Economic growth in Nigeria had been quite robust lately with rates among the highest in Sub Saharan Africa. Remarkable progress had been made to restore macro-economic stability in the country. The development context in Nigeria showed that the economy had experienced growth over time. Nigeria's rebased GDP showed that the Nigerian economy grew by as much as 7.41% in real terms in the year 2013. According to the World Bank, the country's GDP growth rate as at 2012 was 6.5%. Nigeria's per capita income had also increased by as much as over 60% from \$1,091 in 2009 to \$1,700 in 2013. The Gross National Product (GNP) of about US\$ 195 billion in 2007 rose to US\$ 353.2 billion in 2009 while the Gross Domestic Product (GDP) per capita from the 2010 estimate was US \$1,324. Based on this growth trajectory, the projected real GDP rate for 2015 was 7.25% and it was believed that this growth would continue to attract foreign investment into the country. This would, in the long run create better livelihood and opportunities for the economic empowerment of its citizens, half of whom were females.

Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.

A key recommendation from the 6th Country Report required Nigeria to disseminate the concluding observations to all relevant ministries, National and State Assemblies and the judiciary in order to ensure effective implementation. Hence, according to the 7th and 8th Periodic Reports, a National Stakeholders debriefing session was held in September 2008 with representatives of CSOs, MDAs, Development partners and State Ministries of Women Affairs where the Concluding Observations were deliberated. A presentation was also made to the National Assembly (NASS) during an advocacy visit to pursue the CEDAW domestication. Furthermore, it had become a reference material at different engagements with Stakeholders, including a recent collaborative meeting with CIRDOC, an NGO based in Nigeria. A printed version in a booklet format had also been widely disseminated in accordance with the recommendation.

The implementation of other Recommendations on the 6th Country Report were detailed in the subsisting sections under the relevant CEDAW articles while a synopsis of implementation efforts was detailed in Annex 1 of the report. The development of the report was highly participatory and inclusive with the system's wide efforts to generate inputs from government MDAs, state counterparts, CSOs and development partners. The FMWASD set up a 20-member technical team comprising consultants, FMWASD research officers, data analysts from Federal Government agencies and technical assistants to coordinate the data gathering for the development of the report. The process commenced in July 2013 with the kick-off meeting of consultants to brainstorm the modalities of gathering information/data and effective strategy for engaging stakeholders. Subsequent actions embarked upon to ensure broad participation culminated in the Development of data collection tools that were circulated widely to government MDAs and their state counterparts; Stakeholders Consultative Meeting for civil society, government MDAs and Development Partners; media engagement to publicise the report production process and request inputs from the general public; posting of the data collection tools by the FMWASD on its website in a questionnaire format, requesting contributions from the general public; and the development and harmonisation of data collection instruments.

Other developments included the desk review and organisational assessments via questionnaire at the national level (division by sector); Zonal information gathering exercise/administration of questionnaire at the zonal level and field work; Development of zonal reports; Peer review and harmonisation meeting held at national level to deliberate on and endorse the zero draft report; Zonal review and validation meetings were held at the 6 geopolitical zones to review, react to and input to the first draft report; Technical meeting to harmonise zonal inputs and produce second draft report. The National stakeholder's review/final harmonisation of report to produce a final draft was held on 2 September 2014 in Abuja.

On the implementation of the Articles, it was noted that previous reports made it clear that Nigeria endorsed CEDAW and was willingly bound by its provisions. Against this background, it was reported, that the universal acceptance of the term discrimination did not constitute any problem towards its express acceptance and its application. The 1999 Constitution of the Federal Republic of Nigeria, concretely enumerated provisions against discrimination on grounds of sex, religion, ethnicity, age or circumstances of birth against any citizen. Chapter IV and more particularly in Section 42(1)(a)(b), (2) and (3).

Sequel to the setback that the 2005 CEDAW Bill suffered in 2007 with the fifth Legislative Assembly, The FMWASD continued to hold consultations with government officials, political leaders and members of the National Assembly, civil society organisations and other relevant stakeholders and had not relented in her efforts at re-strategising towards re-introducing the Bill for passage before the expiration of the current Legislative Session. The Nigerian parliament at different levels had continued to make laws to firmly curtail all offensive practices against women. The "Gender and

Equal Opportunities Bill 2010: A Bill to Incorporate, Domesticated, and Enforce selected aspects of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women, and the National Policy on Women and other Matters Related Therewith”, due for re-presentation to the National Assembly had been emulated by many state assemblies with emphasis on ensuring equal opportunity. Similarly, related laws were being passed by different State assemblies (see table 2.1).

The HIV/AIDS anti-stigma bill had been passed by the legislature and was signed into law by the President as part of the celebration of the 2014 World HIV/AIDS Day. The Nigerian Law Reform Commission (NLRC) had concluded work to mainstream gender equality and CEDAW provisions into the laws of Nigeria and the sections of different national laws requiring amendment had been articulated. The recommendations of the NLRC had been submitted to the Honourable Attorney General of the Federation and Minister of Justice for presentation to the National Assembly. This omnibus legislative reform, included laws identified in the study conducted by the Women Development Centre which sought to repeal Section 55 of the Penal Code of Northern Nigeria, Section 55 of chapter 198 of the 1990 Labour Act of Nigeria and Section 360 of the Criminal Code.

On progress on nationality and women in Nigeria, it was reported that the major issue with nationality and women in Nigeria was with Section 26(2) of the 1999 Constitution which stipulates who a citizen of Nigeria is and how citizenship may be acquired by marriage and naturalisation. The section does not allow a Nigerian woman married to a foreigner to transmit citizenship to her spouse by reason of marriage. The National Assembly constituted a constitution review committee to anchor the process of review of the 1999 Constitution. A National Conference was also held in 2014 and one of the assignments of the conference was to review issues relating to the peaceful coexistence of the citizens of Nigeria irrespective of age, sex, ethnicity, etc., state memorandum on issues of concern to women, which included the gap that this section of the law creates was submitted to these two bodies and the call for review of Section 26(2) of the constitution is one of the priority issues listed.

The administrative arm of the Nigerian Government was also deploying substantial efforts within its limited resources to rid the country of discrimination on the ground of sex. This was evidenced by the plethora of policies and programmes employed to drive this obligation. The Federal Ministry of Justice had staunchly taken the lead in this project, while other relevant agencies like the National Human Rights Commission (NHRC), Law Reform Commission (LRC), Legal Aid Council, Nigerian Institute of Advanced Legal Studies (NIALS), National Agency for the Prevention of Trafficking in Persons (NAPTIP), FMWASD, the Code of Conduct Bureau, and the Federal Character Commission had joined forces to see that the task was well handled.

The Minister for Women Affairs paid advocacy visits to key MDAs at national level to raise awareness on the provisions of CEDAW and to advocate commitment to the promotion of gender equality and the prohibition of discrimination to Chief Justice of Nigeria, the Attorney-General, IGP, and INEC Chairman among others. Similar visits were also made to the State Governors, State Assemblies, Traditional leaders, and CSOs by the team during the reporting period.

The Nigerian Police Force had developed and adopted a National Human Rights Training Curriculum. The development of the gender component of the manual was done with the support of UN-Women and the manual used in all Police training colleges across the country.

As reported, the role of judges in advancing the human rights of women was systematically shared into two parts, namely the ideologies of judicial restraints and judicial activism (Nweze, 2003). Very recently, judicial activism had been applied in a number of decided cases on gender issues in order to depart drastically from obnoxious customs that obstructed women’s progress and full development. The following landmark decisions were boosted in the legal environment for the

protection of the rights of women and girls in Nigeria:

- i. *Asika vs. Atuanya* (2008) 17 NWLR (pt 1117) p.286: In this case, the Court of Appeal held that any custom that is repugnant to natural justice, equity and good conscience must be abolished, and should not be allowed to rear its ugly head. A custom that discriminates against women by denying them the right to own land in their father's estate was held to be repugnant to natural justice, equity and good conscience. The Court also held further that the Constitution of the Federal Republic of Nigeria re-emphasised the rights of every citizen of Nigeria to acquire and own immovable property anywhere in Nigeria, as such women should not be deprived of ownership and the right of inheritance of immovable property.
- ii. *Lois Chituru Ukeje vs. Mrs Gladys Ada Ukeje*, April 2014: The Supreme Court of Nigeria declared in this case that no matter the circumstances of the birth of a female child, such a child is entitled to an inheritance from her late father's estate. Consequently, the Igbo customary law which disentitles a female child from partaking in the sharing of her deceased father's estate is a breach of Section 42(1)(2) of the Constitution of the Federal Republic of Nigeria 1999, a fundamental rights provision guaranteed to every Nigerian. This said discriminatory law is void as it conflicts with Section 42(1)(2) of the said Constitution.
- iii. *Onyibor Anekwe and Anor vs. Mrs. Maria Nweke* (2014) LPELR 22697 (SC): the Supreme Court held that Nigerian customs which disinherit women are repugnant to natural justice, equity and good conscience and should therefore not be allowed to stand. The court therefore declared as repulsive, the custom of the Awka people in Anambra State which allowed married women to be disinherited upon the death of their husband because they did not have a male child for the late husband.
- iv. *Dr. Priye Iyalla-Amadi vs. Director-General of the Nigeria Immigration Service and Nigerian Immigration Service (NIS)* in which the Federal High Court in Port Harcourt held that it was discriminatory and a violation of Section 42 (1)(a) of the 1999 Constitution and Article 18(3) of the African Charter on Human and People's Rights for the immigration to insist on a written consent of the husband before an international passport can be issued for the wife (woman) when no similar condition is applicable to the men.

The provision of the Police Act, which prohibits a female officer from marrying a man of her choice without the permission of the Commissioner of Police in the command where she is serving, has been declared illegal and unconstitutional by a Federal High Court. The judge held that Regulation 124 was illegal, null and void due to its inconsistency with Section 42 of the 1999 Constitution and proceeded to annul it pursuant to Section 1(3) of the Constitution. With these judgments many more women would be bold to come forward and challenge situations of injustice and because they were decisions of the Supreme Court, no court can legally give a contrary judgment.

Democracy had continued to yield results including the increase in the enjoyment of the right to freedom of expression, human dignity, fair hearing, freedom of movement freedom from discrimination and all other associated rights. Governmental policies, programmes and activities had continued to witness a boost typified in extended educational, legal and legislative advocacies/outreaches. These were accompanied by trainings, workshops and seminars aimed at broadening and expanding rights horizon in issues of gender mainstreaming. Non-governmental organisations on their part had redoubled their efforts as monitors of the government and whistle blowers when they noticed improper conduct from government angles. This had resulted in greater collaborations and networking between the NGOs and the Judiciary, Legislature and other key stakeholders including other civil society groups. Attempts were directed at conscious strategic litigation and alternative dispute resolution which offered a more permanent equitable arrangement.

The report noted that low literacy rate in Nigeria had consistently slowed the pace of progress in promoting the rights of women and impacted the enjoyment of rights negatively. Patriarchy also constituted a very big hurdle in this pursuit and was reflected in the slow pace of legislative reforms with respect to laws affecting women, poor enforcement mechanism, trivialisation of corresponding laws due to lack of understanding especially among the legislators.

Ingrained customary practices, acceptance of discrimination as a measure of divide and rule, usage of violence to maintain patriarchal hegemony, the influence of religion as the opium of the masses, illiteracy, poverty and selective acceptance to conform to international benchmarks constitute great hurdles to the achievement of gender equality.

By building an enabling environment for human rights promotion, legislative and legal reforms under Article 3, the Government was taking a variety of steps to address constitutional and legal stereotypes against women (customary law inclusive). One of such critical steps was the review of the Constitution of the Federal Republic of Nigeria, 1999, to conform to international best practices. Also of significance were the steps being taken at the various levels of government to study and analyse the actual situation of women and children, for the purpose of establishing a baseline to guide benchmarking and target setting for performance measurement and monitoring purposes, especially in relation to the reforms embarked upon. As mentioned in earlier paragraphs above, the Nigerian Government was also embarking on gender sensitive legislative reform processes through abrogation of legislation which violated natural law, equity and good conscience; effecting legislative changes in gender offensive legal principles contained in judicial decisions, amending a wide range of gender-offensive legislations; and proactive court decisions in support of women's rights as enumerated above.

With women constituting about half of Nigeria's population, there was overwhelming evidence that they were a formidable productive force and a repertoire of incredible human resource that was critical for attaining national economic development. As reported, therefore, the role of this vast human capital in the socio-economic advancement of the country could not be over-emphasised. In recognition of this reality, Government was, among others, taking increasing steps to:

- (i) Make more and more major policy interventions targeted at improving the social status of women;
- (ii) Improve women's economic base by making special bank loans available through the Central Bank of Nigeria (CBN), Nigeria Infrastructure Bank, Bank of Agriculture and the Bank of Industry;
- (iii) Ensure massive increase in girl-child education; and
- (iv) Discourage early girl-child marriages.

Government had embarked on numerous programmes to boost women's economic empowerment. Some of these were the WOFEE and BUDFOW which were still making giant strides all over Nigeria. The FMWASD, in partnership with the Central Bank of Nigeria (CBN) and the Bank of Industry (BOI) had provided financial empowerment to women through their various initiatives, such as Micro, Small and Medium Enterprises Development Fund as well as the Agricultural Financing Scheme. So far over 5,000 women had benefitted nationally and it was still work in progress. Government had also put in place many other gender-specific economy-boosting Programmes including Subsidy Re-investment and Empowerment Programme (SURE P); YOU-Win; G-Win; and United Nations Development Programme (UNDP)/SMEDAN technical and entrepreneurial skills programme among others.

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Since 2007, there had been increased efforts to ensure increased women's representation and participation in both elective and appointive positions in the country through:

- (i) Increased emphasis on implementing the provisions of the National Gender Policy, in all spheres of government and non-governmental activities;
- (ii) Insistence on the 35% Affirmative Action target of the National Gender Policy in all appointive and elected offices;
- (iii) Massive sensitisation of the citizenry on the negative impact of harmful traditional practices hampering women from political participation; and
- (iv) Deliberate schemes and programmes aimed at the economic empowerment of women.

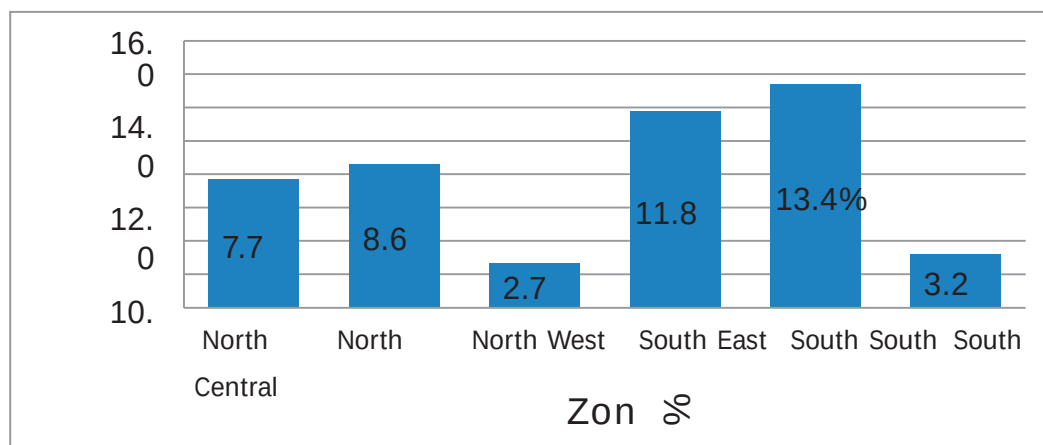
Additionally, Political Parties were advancing policies aimed at encouraging women into political decision making positions at the highest levels. Most political Parties were allowing women seeking political offices to obtain nomination forms free of charge whereas their male counterparts paid heavily to obtain same. The FMWASD with UN-Women and other development partners put in place a Trust Fund to assist female politicians bidding for elective offices. The Independent National Electoral Commission (INEC) as a strategic institution developed its in-house gender policy to positively influence the enabling legislative environment for electoral processes. It will also facilitate the adoption of relevant institutional measures and mechanisms related to the achievement of impartiality and equality and contribute to bridging gender gaps in political representation at all electoral related levels, especially in elected and appointive positions.

The Nigeria Police Force had developed a context specific Gender Policy for the Nigerian Police. This was demand-driven response to the outcome of a workshop on improving gender sensitive policy response to the issues of GBV organised in November 2009. Also, the Nigeria Police Force had adopted its new Human Rights Training Manual into which gender equality had been mainstreamed. The Manual was presented to the Inspector General of Police in February 2014 — for use in all Police Training Schools and Colleges nationwide. Over the years, Government had intensified efforts towards the prohibition of female genital mutilation with a view to eliminating this harmful practice. Awareness raising activities including campaigns had been carried out by key stakeholders. Although at present there was no legislation at the federal level prohibiting FGM, there were extant laws in 26 states (see table 2.1 above). In effect, over two-thirds of the country had laws in place to protect the rights of women against any form of violence.

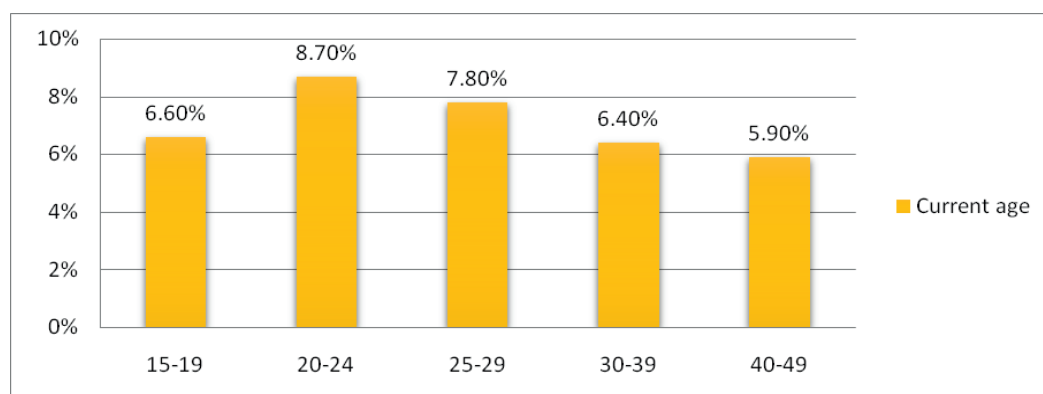
According to the report, the 2008 NDHS revealed that 28% of Nigerian women aged 25-29 had experienced one form of physical violence since age 15, with 15% of those women experiencing physical violence within 12 months preceding the survey. The level of exposure to the risk of violence varied based on geographical location, educational attainment, marital status and other indices. Geographical location also had implications for women's experience of violence with women in urban areas reporting significantly higher prevalence of violence (30%) than women in the rural areas (26%). Women in the south-south zone of the country experienced highest rate of violence across the country, at 52.10% followed by north central, south-east and south-west at 31%, 29.6% and 28.9% respectively. The north-east and north-west were lowest at 19.7% and 13.1% respectively. (Fig. 3.1 below) NDHS 2008.

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Women's experience of sexual violence by zone



Women's experience of sexual violence by current age



The report noted that sexual violence knows no boundaries, as women in both urban and rural areas in Nigeria experienced sexual violence alike, 6.9% and 7.1% respectively. With respect to administrative and legal measures, the report noted that the legal framework was constantly being strengthened to protect women and girls. The Violence Against Persons (Prohibition Bill (VAPP) was passed by the House of Representatives on 14 March 2013 and had since been transmitted to the Senate for concurrence. There were also other laws and policies that covered gender-based violence which were presented in the report in tabular form.

The following response measures were available for victims of violence:

- Rehabilitation Services/Provision of Shelters* - According to the report, there had been a remarkable increase in the number of shelters available to victims of violence since the last reporting period. Some shelters were operational in the country, nationwide.
- Hotlines and Helpline Services* - In order to enhance response to incidences of Gender-based Violence (GBV) several government agencies and civil society organisations had hotlines/helplines on GBV albeit focusing on different and specific aspects of GBV. Most of the hotlines ran 24 hour services, some of which were toll free.
- Counselling and Medical Services* - Several organisations offer different types of counselling services tailored to their areas of expertise for people who had experienced or were experiencing physical or sexual violence. Some of such

counselling service providers were Lagos State Ministry of Youth, Sports and Social Development, Project Alert, GPI, WACOL, CIRDDOC, Mirabel Centre, Hello Lagos, MEDIACON, OPD, etc. Majority of the services provided were legal counselling, group and individual counselling and health related counselling. Some organisations offered victims Psycho-social and Trauma counselling/management. The Mirabel Centre also provided sexual assault trauma counselling services.

- (d) *Training/Capacity building* – for the Police, Health Care Workers, Counsellors and Others.

Targeted training of professionals who interacted with those impacted by GBV had been a critical aspect of efforts being taken to address the problem of GBV and HIV. Such training covered knowledge and information sharing, sensitisation as a first step in changing norms, attitudes, and behaviour, as well as strengthening the technical skills needed to implement a range of services and support to victims of GBV. The Government, its partners and other stakeholders routinely carried out enlightenment campaigns during the annual 16 days of activism on violence against women to raise awareness on issues of GBV across the country. Various groups had held awareness campaigns in tertiary and secondary institutions to raise awareness on both GBV and VAW among youths in formal educational institutions. Others had media campaigns on television and over the radio programmes.

The involvement of men was crucial to achieving the desired change in gender-based norms which fuels the incidence of GBV. To this end, various organisations were mobilising men and boys to reduce GBV and promote gender equity and equality. The Ebonyi Men's Resource Centre (EB-MRC) which was hosted by Daughters of Virtue and Empowerment Initiative (DOVENET) had a network of men, allied with women, acting as role models in violence prevention and positive masculinity. The UNFPA carried out a yearly dialogue with young boys and traditional rulers on their role in eliminating gender-based violence while the UN-Women has a network of male champions on VAW.

There is no doubt that crisis situation in Nigeria especially in the Northern parts of the country had escalated and had led to an increase in the number of Internally Displaced Persons (IDPs) across the country. Nigeria was said to have over 3,000,000 IDPs with over 20 camps across the affected states. In response to this, Government set up some interventions such as the Presidential Initiatives to support infrastructural development and reconstruction in the crisis affected areas; Save Schools Initiatives Project initiated by the United Nations Special Envoy for Global Education, Mr. Gordon Brown and a coalition of Nigerian Business leaders in May 2014 to provide additional security and security personnel for pupils and students including provision of school facilities to ensure safe, secure and conducive environment for learning; and The Victims Support Fund which was able to raise ₦100 billion (\$625m USD) in support of the care and rehabilitation for the victims of Boko Haram, who have been predominantly women and children.

In accelerating equality between men and women under Article 4, the report indicated that the Nigerian Government had made and continued to make laws and policies striving to consistently put necessary mechanisms in place for enforcing such laws and implementing its policies in order to ensure that it remained on course towards bridging gender gaps in different sectors. The FMWASD, NCWD, CSOs and other development partners had also worked and collaborated on various interventions to ensure gender equality at the 3 levels of government and in all sectors.

On administrative and policy measures on gender mainstreaming, the Beijing Platform of Action (BPFA) alongside the provisions of the CEDAW continued to inform policies, strategies and actions of government and stakeholders in the promotion and protection of the rights of women and girls in the country. Although, CEDAW had not been wholly made a part of the Nigerian legal system it had continued to influence policy implementation by the Government as it related to different areas of concern. Many laws had been passed over the years that support different principles of CEDAW.

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The Nigerian Law Reform Commission had undertaken extensive reforms of the Nigerian Family Law, Law Relating to Rape and Other Sexual Offences as well as Laws on Marriage. The reforms specifically addressed issues pertaining to Section 55 of Chapter 198 of the 1990 Constitution, and Section 360 of the Nigerian Criminal Code. Issues covered include:

- (a) *Testifying against a Spouse:* Previously only women married by ordinance were protected from testifying in court against their husbands in criminal matters but by the reform, women married under customary and Islamic Laws got covered.
- (b) Divorce under customary and Islamic laws would follow due process and besides return of dowry, divorce paper would be obtainable.
- (c) Customary and Islamic marriages could be registered.
- (d) Pregnant women no longer shared cells with other detainees or prison inmates.
- (e) Nursing mothers relieved of sharing cells with other detainees or prisoners.

To better bridge the yawning gap in women and men's participation in politics, Government adopted some measures and realised some gains there from. Some of such measures were the establishment of women's political empowerment offices in the 6 geo-political zones of the nation since 2007. These offices were administered and coordinated by non-partisan organisations to ensure objectivity and efficiency. The establishment of the empowerment offices was borne out of a need to enhance the political participation of women in public life. The offices served as training and mentoring ground as well as a rallying point for women.

Before the 2007 and 2011 general elections, the Ministries of Women Affairs and Social Development, NGOs and other Civil Society Organisations (CSOs) working on women's political advancement organised a range of activities with financial and technical support of Development Partners including UN-Women, and United Nations Development Programme (UNDP) at the national, state and local government levels. The target was to improve and shift the electoral performance of Nigerian women from being voters to also being contestants and political office holders. Measures put in place include capacity building and trainings for female aspirants, advocacy to traditional, religious leaders to support female candidates, and awareness creation among political party leadership on the need to support Affirmative Action in fielding candidates.

The issues of electoral violence and lack of finance that had precluded women from actively participating in active politics became matters of serious concern that resulted in the adoption of specific measures for overcoming such obstacles. For example, in 2011, the FMWASD launched the Nigerian Women's Trust Fund with the sum of ₦100 Million (\$600,000) to assist women who were interested in active politics. The focus of the fund was to make grants to female aspirants towards financing specific campaign activities, enabling leadership skills development, conducting research, generating information and carrying out gender equality related advocacy activities. The Trust Fund created room for more women's participation in the 2011 general elections and although majority of them did not win the elections, they took the bold step of contesting.

As reported, in some areas, e.g., State Houses of Assemblies, more women won elections in 2011 than in 2007. Furthermore, Government also made conscious efforts to ensure that at the national level, women had a good representation in appointive positions. Forums were available for the enhancement of women's leadership skills, although there was room for improvement. For instance, there existed in many states of the federation Forum of Women in Leadership and Forum of Spouses of Officials of Government. Such fora were designed to build the capacity of women in leadership positions and to improve social interaction and networking among them. The Forum of Spouses was also aimed at ensuring that the wives of key government officials were adequately motivated, taught and encouraged to be involved and active in life-improving activities within their localities. For instance, the one in Ekiti State was called Forum of Spouses of Ekiti State Officials (FOSESO).

On the issue of engaging women in peace building, in November 2011, the Government supported and hosted the world fourth Cities in Transition Conference. An entire section of the programme was dedicated to the role of women in peace and security. Hitherto, issues of peace, conflict resolution and security were viewed strictly as fields reserved for men. The commitment of the Government in conflict prevention and management had shown its resolve for inclusive policy in the promotion of peace and the re-establishment of a united nation.

To boost Women's employment in the Military, a landmark achievement was made on 14 February 2010 when Nigerian Defence Academy (NDA) commenced enlistment of female regular combatant officers with 20 females enrolled as pioneers. By 2013, the number increased to about 50 (Daily Trust, 2/2/2013). In the succeeding years, women had also been deployed on peace keeping missions within and outside Nigeria. With recent developments in the Nigerian Judiciary, the acceptance of women's leadership in strategic positions was anticipated to have positive ripple effects in other sectors. In 2012 a woman, Honourable Aloma Mouktar emerged as the first female Chief Justice and head of the Nigerian Judiciary and another female Judge, Justice Zainab Bulkachuwa, emerged President of the Court of Appeal in 2014. So far about five States had appointed women as their Chief Judge and/or Attorney General. Such States were: Lagos, Ogun (CJ and AG were women), and Oyo which also had a female Customary Court Judge).

There had been an increase in the number of women in the private sector. Women ran about 20% of enterprises in the formal sector (World Bank, 2009:92) and they made up 37% of the total work force in the garment industry. The rate of female entrepreneurship in the micro sector was increasing as a result of increased skill acquisition and micro-loans to women. A report on the "2010 Access to Financial Services in Nigeria" indicated that majority of the 43% of women cited as economically inactive made their living through private businesses.

The Nigerian Government recognised the pertinence of achieving gender equality and had over the years, rolled out policies to achieve this goal. Salient impediments in achieving gender equality and particularly during the reporting period, included the pervasive negative socio-cultural beliefs and practices that shaped choices and decision in different spheres of life, and are pushing to obscurity some of the draft bills geared at redressing the challenges. On gender roles and stereotypes under Article 5, the report noted that awareness creation on gender issues had been one of the major measures put in place to address gender stereotypes that impeded the progress of women and girls in the country. Much of the gains recorded since 2006 could be attributed to the ensuing measures highlighted below:

- a). The National Coalition on Affirmative Action had promoted and ensured the enactment of Gender and Equal Opportunity Law (derived from CEDAW) in Ekiti, Imo and Kogi States. This law among others provides that every "organ, agency of government, public or private institution, community, educational institutions modify the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices, customary and all other practices which are based on the idea of inferiority or superiority of either of the sexes, or stereotyped roles for men and women." (Gender and Equal Opportunity Bill, 2010). The Law protects women's inheritance rights, land ownership rights, political participation and economic opportunities. Meanwhile advocacy and lobbying had been intensified to have the Bill passed at the National Assembly.

Barriers were constantly being dismantled thereby allowing women and girls to participate in some vocational jobs that had for a long time been considered the preserve of men and boys. For instance, girls were being trained in vulcanising (vehicle tire repair), wheel alignment. Through the project women were trained to drive taxis and empowered with vehicles to run transport businesses. Government and NGOs were increasingly working in collaboration with

Faith Based Organisations and traditional authorities to conduct awareness programmes. These programmes had ensured the gradual but steady dislodgement of the culture of male superiority. The increasing numbers of female clerics in both Christian and Muslim denominations attested to this.

- b). Furthermore, in Igbo land, as reported, there was a rise in female chiefs with not less than 10 women in Iyom category. The Iyom Chieftaincy was the highest traditional title for a woman among a large segment of Igbo communities. This titled leadership position almost went extinct but its resurgence in the five years to the time of filing the report, attested to the progress in the march to gender aware attitudes. Women were beginning to be represented in the "Eze" Traditional Rulers' Cabinets in the South Eastern states.

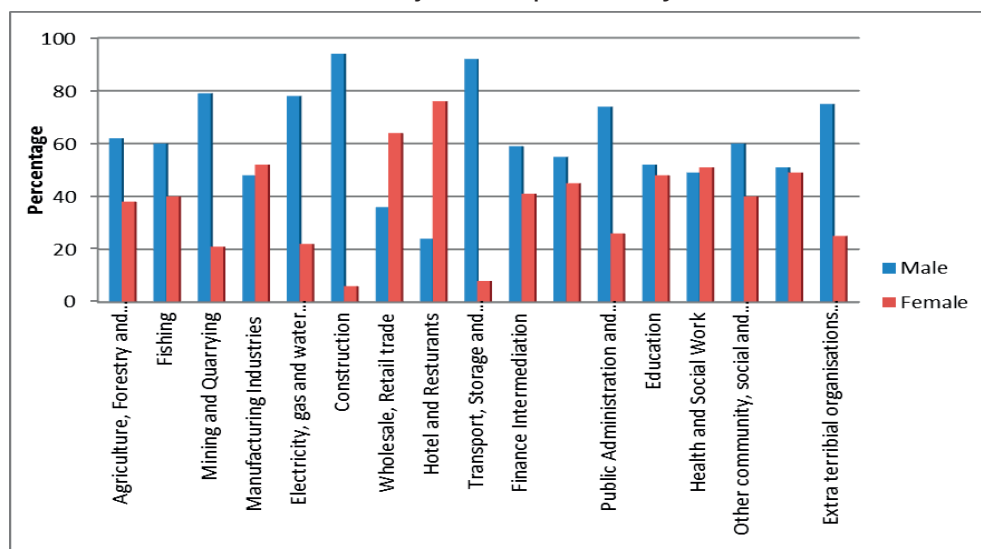
Several governments in the South East were involved in the yearly Women's Mass Home Coming otherwise known as August Meeting and using it as a platform for creating awareness at the rural level on the need to abrogate harmful traditional practices. The National Gender Policy and the National Policy on Education had prioritised Science and Technical Education for girls as a path to decent jobs for them. To reverse stereotype, Government at various levels and NGOs had taken various actions to reverse this trend. For example, Kano State initiatives in this regard included Establishment of New Day Junior Secondary Schools for girls in each of the 44 LGAs; Provision of international scholarship awards to 100 women to study Medicine and qualify as Gynaecologists and other medical related fields; 100 females undergoing training as Pharmacists; 100 females undergoing training as Nursing Tutors; 100 females undergoing training as Commercial Pilots (of whom and at the moment 30 had graduated); and Female Teachers Scholarship Scheme (FTSS).

Other states' initiatives included mobilisation of religious and traditional rulers and communities in (Cross River, Zamfara and Yobe States); involvement of women through mothers' association (Kebbi State); Networking and partnership by various NGOs, Civil Society Action Committee on Education For All (CSACEFA) and formation of Girls Education Advocacy Groups known as EGBENN Project. To create the necessary awareness and sensitisation, the Government had been supporting the fast growing film industry in Nigeria. Financial support and other incentives ensured that the film industry served as a medium for promoting positive perceptions of women and girls with the ultimate aim of eliminating gender stereotypes.

GWIN (Growing Girls and Women in Nigeria) was an innovative programme that linked government budgeting processes to specific targets to improve the lives of disadvantaged girls and women in Nigeria. The pilot phase was implemented by five ministries: Agriculture, Communications Technology, Health, Water Resources, and Works. The Ministry of Women Affairs monitored and evaluated the implementation. Occupational Distribution by Gender in 2007 and that of Distribution of Persons by Occupational Group (percent) showed a marked improvement in women's participation in more lucrative occupations compared with 2006 when the ratio of participation of men and women in the formal sector was 87% to 11% (NGP, 2007).

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Distribution of Workers in Major Occupations by sex, 2007



Despite the progress being made in terms of changing gender roles and stereotypes, a lot of challenges still persisted. The following challenges still needed to be tackled:

- (i) Religion — lack of proper interpretation of religious texts and the quoting of religion as an alibi for certain stereotypes and religious practices
- (ii) Culture and Traditional practices
- (iii) Legislature — There was still a general lack of awareness and enforcement of existing laws and a slow response to change by law enforcement officers. The report noted in respect of legislative and legal measures under Article 6 on Trafficking in Women and Exploitation for Prostitution, it was noted that NAPTIP's experience over the years had highlighted the need to amend the enabling law of the agency, hence the presentation of the Bill for an Act to Amend the Trafficking in Persons (Prohibition) Law Enforcement Administration Act of 2003 to the National Assembly in 2013. The Law was aimed at bringing the extant anti-trafficking legislation in conformity with the Trafficking in Persons Protocol and also to clarify definitions of different offences, removing the option of fine and increasing penalty for traffickers. The law if passed would recognise and sanction new offences based on the dimensions of crimes associated with trafficking in persons that were not covered by the existing law.

Despite the gaps in the existing law, several administrative measures had been put in place to drive effective response to TIPs:

- (a) The Federal Executive Council (FEC) approved the National Policy on Protection Assistance to Trafficked Persons in Nigeria and the National Strategic Plan on TIP in November 2008. This Policy adopted a holistic approach in the protection and assistance to trafficked persons through rehabilitation programmes that provided appropriate integration into their various communities.
- (b) NAPTIP produced the guidelines for the protection of children in formal care, which was adopted by Stakeholders in December 2009.
- (c) NAPTIP at the time, had 8 Zonal Offices in the 6 (six) geopolitical zones and the Federal Capital Territory as opposed to 6 that were reported in 2006: Abuja, Lagos, Benin, Uyo, Enugu, Sokoto, Kano, Maiduguri and Makurdi. State Working Groups (SWG) had also been created in all of these Zones.
- (d) Shelters — NAPTIP was operating nine Shelters located in Abuja and eight Zonal Offices.

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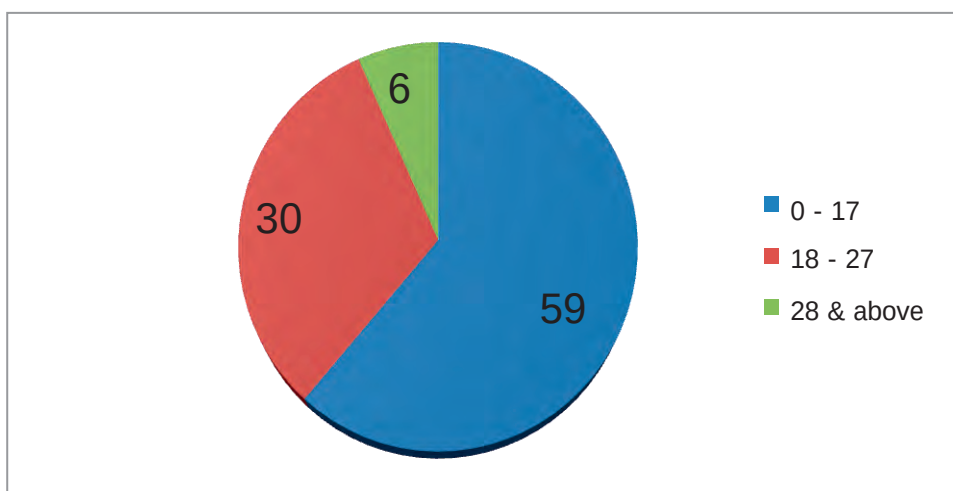
There were other shelter facilities nationwide being run by private organisations (NGOs) which NAPTIP also monitored. There were other support services designed to meet specific needs of trafficked victims in these shelters including:

- the establishment of Victims of Trafficking Trust Fund in 2008 which had been helpful in alleviating the challenge of financial constraint thus aiding the Federal Government to achieve more through NAPTIP;
- Nigeria was collaborating with Italy, France, Netherlands, Switzerland, Spain, United States of America, Finland, Britain, Saudi Arabia, Norway, Benin Republic and Organisations such as UNODC, IOM, UNICEF, ILO, USAID, UNICRI, WOTCLEF etc;
- UNODC signed a revised Project Document and Grant Agreement to the tune of \$180,000 with NAPTIP in areas of Training Needs Assessment, Training Curriculum and Strategy Development, NAPTIP immediate Training Priorities and Training for Law Enforcement Agencies;
- The Nigerian Police Force, Nigerian Immigration Service and social services personnel received specialised training on how to identify victims of trafficking and made appropriate referrals to NAPTIP.

There were notable achievements on TIPs. A total of two thousand, seven hundred and twenty-six (2,726) cases of human trafficking had been reported to the NAPTIP since inception. Between 2010 and 2011, NAPTIP won a total of thirty-seven (37) cases, which resulted in forty-four (44) convictions of 22 male and 22 female offenders. With this, a total of two hundred and eighteen (218) convictions had been secured by the Agency from inception till the end of year 2013. The report also mentioned that four hundred and seven (407) cases of human trafficking and other related matters were reported to the agency in the year 2013. Of the 407 cases reported, 266 (65.4%) were successfully investigated. External trafficking for sexual exploitation had the highest number of cases (23.6%) reported to the agency in the year 2013.

As reported, the number of rescued victims of external trafficking for sexual exploitation reduced in 2013 when compared with 2012 by 10.9%. Number of victims rescued for child labour also dropped by 5.4% in the year. As shown in Figure 6.1, a review of the age distribution of rescued victims in 2013 reveals that 61.3% of the total victims rescued were children under 17 years of age as against 50.9% that were rescued in the previous year. This represents an increase of 10.4% over what was recorded in the year 2012.

Age distribution of rescued victims



Source: NAPTIP 2013 Data Analyses Report.

The report highlighted that victim of sexual abuse and exploitation preferred to solve their problems without involving the law enforcement agents or seeking redress in the law courts. Reported cases were oftentimes withdrawn because victims were either pressurised by family members to do so or lost faith in the ability of the system to protect them. Other challenges include stigma, poverty, low self-esteem as well as other forms of disempowerment which made victims, usually women, reluctant to report abuse or leave their violators.

On women's representation in political and public life and at international levels under Articles 7 and 8, the report stated that apart from maintaining the lead as voters in elections, women's presence as aspirants for top positions increased from 3.2% in 2003 to 7.58% in 2011. In 2011 an unprecedented number of women (500) won their parties' nominations as candidates for the state and federal legislative houses. Results of local government elections in at least 20 states showed an unprecedented surge in women's entry. More progress was expected in 2015 as the country continues to update existing institutional mechanisms and build new ones.

At the international level, appointment of individuals into Foreign Service in the last two dispensations had been based on experience. The years 2007 to 2014 in Nigeria witnessed increased number of women representing the country in foreign missions and international agencies both by appointment and on personal merit. At the international level, Nigeria had put women in the forefront of its foreign policy negotiations, diplomacy and economic development, especially in recognition of the Nation's role in Africa as a driver of peace, stability and centre of commerce and growth. Within international organisations, adherence to the principle of equal opportunity employment had encouraged women to apply and secure jobs as heads of missions, top notch advisors and judges within and outside the shores of Nigeria. Over the years, there had been a continuous strengthening by government and civil society organisations of the administrative, policy and legal environment for formulating gender responsive programmes and effectively respond to the challenges of women in political and public life.

A strategic framework for the implementation of the National Gender Policy of 2006 was developed and adopted in 2008. Following the NGP many MDAs including INEC had come up with and were implementing specific gender policies aligned with the NGP framework. Zonal Women Political Empowerment Offices in collaboration with women focused NGOs were established for the purpose of mobilising women for political participation and giving technical support in the form of capacity building for aspirants and candidates. This effort substantially contributed to the increase in the number of women in the National Assembly from 25 (5.4%) in 2003 to 34 (7.7%) in 2007 and 32 (6.8%) in 2011.

Besides reproductive roles, other factors had been identified that restrained women's participation in politics. One of them was low level of education especially in the North (UKAID, 2012). Unlike in previous elections, women's performance in the North showed a marginal but encouraging improvement despite security challenges (UKAID, 2012). Gender disaggregated information on the political sector obtained from the National Gender Data Bank hosted by the NCWD showed that women accounted for a minimal proportion of positions held across board from 1999 -2011 (see table 7.5 below). Although there was a gradual increase of female elected political office holders in 2007 and 2011, the margin was still very wide compared to the affirmative action requirements. There had been continuous increase in the number of women voted into the state legislatures between 2009 and 2011.

According to the 7th and 8th periodic report, the representation of women in appointive positions had witnessed gradual but steady increase since Nigeria's return to democratic government in 1999. Available data for the period 1999-2010 showed that there were 7 female Cabinet Ministers out of 42 available seats. This was a representation of 16.66% while from 2010 till date there were 13

female cabinet ministers, a 31% representation which was a near double increase from the previous administrations.

As the time of filing in the report, the number of female permanent secretaries stood at 11 out of 42 seats representing 25.58%. Out of the 43 available seats for Permanent Secretaries, between 1999-2007 and 2007-2010 women representation was at 18.60% and 20.93% respectively. Female Ambassadorial appointment was 11 out of the 86 available seats, this was a 12.79% representation. Office of the Special Advisers had 4 women out of the 18 available seats, a representation which was at 22.22%. There had been significant increase in the participation of women in decision making as managers and technical advisers in the design/implementation of environment policies and programmes. Examples included the Nigerian Senate (Upper Legislative Arm) where a woman was the Chair of the Senate Committee on Environment while the immediate past Permanent Secretary of the Federal Ministry of Environment was also a woman. Similarly, the last two Honourable Ministers in charge of the Environment in Nigeria were also women. At the state levels, there were women that were either commissioners or permanent secretaries in the Ministries of Environment and Agriculture. Several women were also holding key positions in the higher institutions of learning,

Advocacy and sustained agitation for 35% Affirmative Action in favour of women was geared to bridging the gaps in both elected and appointive positions at all levels by 2015. This had also resulted in spill over gains for women in the military and para-military systems as more women were being promoted into top level decision-making positions. Enrolment of women in the Nigerian Defense Academy in 2013 was 50 while police women now go for peacekeeping missions. In the area of judicial appointments (as mentioned earlier in paragraph 4.14) the first female Chief Justice of the Supreme Court of Nigeria was sworn in in April 2012. Across the 36 states of the Federation and the Federal Capital Territory judiciaries, women constitute 24% of the total number of high court judges. In states like Lagos and Rivers, women constitute over 35% of the total number of Judges. The Table below showed the scenario of appointment in some States in relation to a few positions.

Nigeria had put women in the fore-front of its development agenda pillar, which included its foreign policy. The trend which became noticeable from 2003 to 2007 peaked in 2011 with the appointment of 13 women Ministers including a Minister of State for Foreign Affairs. There had been a gradual increase in the number of female ambassadors representing the country. As at 2006, out of 87 Ambassadorial appointments, 7 were women, representing 8.04% with 80 of them being male, representing 91.96%. Of the total of the 593 diplomatic staff, 63 were women representing 10.6% of the total number. In 2007, a total of 71 Ambassadors were appointed, 64 were male representing 90.1% and 7 females representing 9.9% showing an increase from what it was in 2006. In 2014, a total of 93 Ambassadors had been appointed with 82 male representing 88.2% while female was 11 representing 11.8%.

Generally, more males than females were in foreign service and women were particularly few at the decision-making level i.e. 9.6% female top management staff compared to 90.4% of their male counterparts at the same level. Many international organisations report that they had internal gender parity strategy on employment. However, the extent of enforcement/adherence to such guidelines was not clear. Most international organisations stipulate however that they were equal opportunity employers. As reported and on bridging the gender disparity in education under Article 10, gender equality education in Nigeria was pursued under major international frameworks as MDGs, the Education for all agreement which stipulated compulsory enrolment, retention, completion and transition to higher level of all girls in schools with Expansion of "Second Chance" education for all through non-formal provision. Policies and interventions towards improving women's access to education received a tremendous boost over the past eight years (2007 - date). Comparison of data from 2002 to 2013 showed that budgetary allocation to the education sector had witnessed a gradual

increase. The lowest allocation of ₦75.71 billion was in 1999 (4.46%) while the highest was in 2013 when the education sector was allocated ₦509.04 billion which represents 9% of the total budget (www.finintellmagazine.ngr.com, 2014).

Further to improvement in budgetary allocation to education, the Federal Government had also committed 2 percent of consolidated revenue towards achieving the goals of Universal Basic Education Programme. Seventy percent (70%) of this 2% was shared to states in the form of conditional matching grants, while the Federal Government retained 30%. Of the 30% consolidated fund retained by the Federal Government, 14% was used as special grant to address imbalance in girl child education. The National Policy on Gender in Basic Education (2006) compliments other policies like the National Policy on Education (2004, revised 2007), Universal Education Policy, National Admission in Tertiary Institutions Policy, National Framework for Girls and Women, Technology and Information Policy of 2011, etc., which were all deliberate plans of action to guide decisions and achieve planned outcomes. Specific interventions such as the Federal Ministry of Education, DFID and UNICEF collaboration on Girls' Education Project (GEP) Phase 1 (2004 -2008) which targeted six pilot states (Bauchi, Borno, Jigawa, Katsina, Niger and Sokoto) with high gender disparity in education recorded an increase in enrolment, retention and completion of girls. At the commencement of GEP 1, it was estimated that of about 7.3 million children of primary school age (6 - 12 years) that were out of school, 4.3 million (62%) were girls, with national average gender gap in enrolment standing at 12%. However, by 2008, there was a remarkable increase in enrolment and the average gender gap had improved to 10% and Net Attendance Rate (NAR) increased to 51%.

The report remarked that primary school enrolments had been fluctuating between 2004 and 2008. Although the gender gap was closing, sample surveys revealed that the gross enrolment ratio of girls was still significantly lower than that of boys. UNESCO (2008) reported a net enrolment ratio of 68% and 59% for boys and girls, respectively. The enrolment rates of boys were consistently higher than those of girls in primary schools.

The Report also indicated that gender disparity existed between males and femalea at secondary school level nationwide. While most boys and girls who attended primary school did not enrol in secondary education, the net secondary enrolment rate (NER) for boys was 29%, and girls' NER was 22%. There was a marginal increase in girls' enrolment in secondary education between 2004 and 2007. However, a significant increase in girls' enrolment was recorded between 2007 and 2008. The ratio of girls to boys in secondary education showed only a marginal increase from 79.4% in 2006 to 79.9% in 2008 but showed an impressive increase to 88% in 2012. Previously, low rate of enrolment of girls in secondary education had been linked to a lack of female teachers who could act as role models (UNESCO, 2003). However, the near doubling of female teacher number over the years had not had the effect of doubling school enrolment by girls. This suggested that other factors were at play.

Although there was a significant increase in primary net attendance ratio for both boys and girls between 2003 and 2011, the NAR of 70% in 2011 was still below the EFA target of having all Nigerian school age children in school by 2015. The trend showed lower secondary school NAR for both female and male students but indicated the doubling of the NAR for female students between 1990 and 2011. There was a significant increase in the number of enrolments for both males and females in 2010 and 2011, however, the number of females enrolled into Federal, State and Private Universities was still generally lower than males' enrolment. As reported, in a bid to complement efforts of the teachers and students for better performance in learning and teaching:

- Government distributed free computers;
- Some states were bearing the cost of the final year examination (W.A.E.C) for students;

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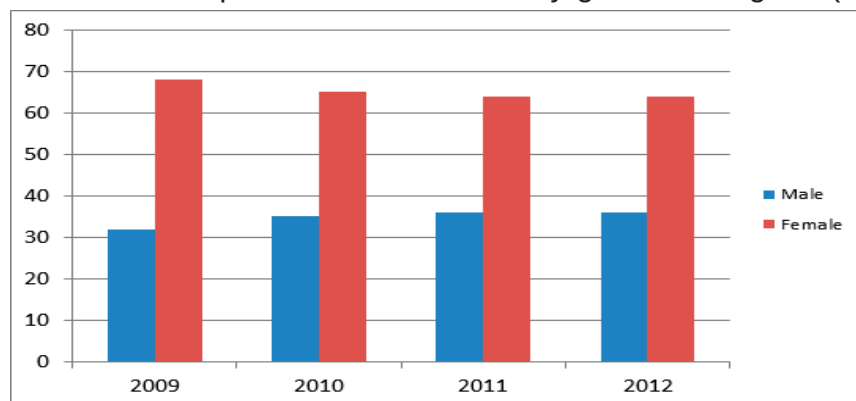
- Northern Education Initiative funded by USAID piloted;
- Sponsorship to tertiary institutions after securing admission;
- Free and compulsory education;
- Overseas training and scholarship up to PhD level;
- Implementation of the provisions of Child's Rights Act;
- Building of more women centres and women day colleges;
- Special programme on re-absorption of children into school, especially girls who dropped out of school in almost all states of the federation;
- Introduction of the conditional cash transfer scheme;
- Provision of school materials to primary school pupils especially girls had encouraged girl's retention in school.

According to the report, the Nigerian Constitution (Section 42(1)) guarantees the right of all its citizens, irrespective of sex, to equal opportunities. Issues of employment were regulated by provisions of the Nigerian Labour Act as well as the various ILO Conventions that Nigeria is a signatory to. Other legislative acts that governed employment in the country include; Labour Act of 1974, the Trade Disputes Act of 1976 and Trade Dispute Services Act of 1976, the Trade Union Act of 1973 and the Factories Act of 1961/Pension Act and Age retirement for men and women. Gender equity policy of the Nigerian Labour Congress (2003) also affirmed gender justice in terms of equal access to employment opportunities, absence of discriminatory practices against both genders and recognition of the productive and reproductive roles of each gender.

As reported, the efforts of the Government were beginning to yield positive results some of which were reflected in the data below:

- The share of women in wage employment in the non-agricultural sector rose from 6.60% in 1990 to 7.90% in 2004 and the FMWA and SD estimates that it increased to 14.0% in 2012;
- ILO study revealed narrow gap in male/female labour force participation rates from 2007 to 2011;
- The distribution of labour participation by occupation and gender indicates that there was hardly any sector where women did not participate, and in most of these sectors, there were almost as many females as there were males. The bar chart depicting the distribution of pharmacists by gender, in Nigeria was an example.

Distribution of pharmacist workforce by gender in Nigeria (2009-2012)



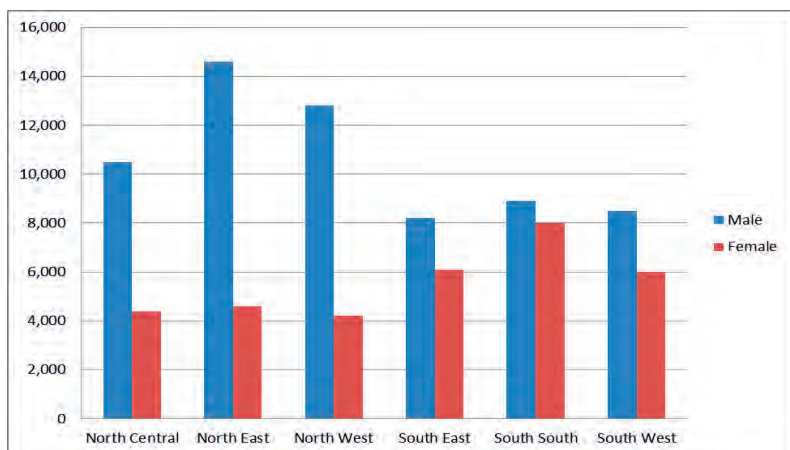
Source: FRN (2013).

Interventions towards improving women's employment opportunities include (i) The Nigerian Government conceptualized in 2011 the Community Service, Women and Youths Employment (CSWYE) Project under the social safety net programme of the Subsidy Re-investment and

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Empowerment Programme (SURE-P) as a short-term intervention that engaged 185,000 women, youths and other vulnerable members of the society in stop gap employment services in their communities. Thirty (30%) and twenty (20%) percent of beneficiary slots were reserved for women and other vulnerable groups respectively. Distribution of beneficiaries of the programme by sex as at 2013 was presented in the bar chart below. (ii) The National Directorate of Employment (NDE) initiated and was implementing programmes to combat mass unemployment amongst women and youths. In 2011, 182,797 women and youth were employed through the programme, of this number 75,301 (41.19%) were women and 107,496 (58.81%) were men.

SURE-P beneficiaries of the community services, women and youth employment project



Source: FGN SURE-P (2013).

Other initiatives aimed at promoting women's employment include:

- (a) the Growing Girls and Women in Nigeria (G-WIN) initiative; The Youth Enterprise with Innovation in Nigeria (You WIN) intervention meant to support aspiring youth with a platform to showcase their business acumen, skills and aspirations to business leaders, investors and mentors in Nigeria and receive grants ranging between N1,000,000 to N10,000,000 to start their businesses.
- (b) The main sector strategy targeting poverty reduction was the Federal Government's Agricultural Transformation Agenda, comprising the Growth Enhancement Scheme, the Value Chain Development Programme and the Nigeria Incentive-based Risk-Sharing Agriculture Lending Schemes.
- (c) Conditional Cash Transfer scheme.
- (d) The National Directorate of Employment.
- (e) The National Poverty Eradication Programme.
- (f) The Subsidy Reinvestment Programme (SURE-P).
- (g) Entrepreneurial Development Programmes.
- (h) Skills Acquisition Programme.
- (i) The Young Women Economic Empowerment Programme (YWEEP).
- (j) ICT training for Girls.
- (k) Young women female professional drivers.

According to the report, as observed by the CEDAW Committee following the last report submitted

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by Nigeria, key challenges of the Nigerian health sector include high maternal mortality, poor health infrastructure, poor access to family planning and obstetric information and services, rural/urban disparity in access to health care services, and high prevalence of Malaria and HIV amongst others. These issues and many more were the focus of government in the past 8 years. Although the country was not there yet, remarkable achievements had been recorded within the reporting period.

In a bid to achieve a drastic reduction in the annual MMR records, the Government adopted different measures and designed innovative programmes such as free maternal health services for pregnant women; commitment of a minimum budgetary allocation of 15% to health care in accordance with the Abuja Declaration of 2007 to “implement free health services for the vulnerable groups of the population especially women during pregnancy, childbirth and puerperal conditions) children under five-years. Others include the introduction of the Midwives Service Scheme (MSS) in 2009; the Subsidy Reinvestment and Empowerment Programme (SURE-P) MCH, 2011 Conditional Cash Transfer (CCT) targeted at rural and sub-urban poor pregnant women whereby Cash payments are made to poor households at the point use of ANC and postnatal care services; the supply of midwifery kits, basic equipment, drugs, Mama Kits and family planning consumables; the Emergency Transportation Scheme, (ETS); launch of Save One Million Lives by 2015 Programme; the ABIYE project; passage of Maternal and Child Health Initiative and Related Matters Law (2008); the Mother and Child Care Initiative (MCCI), 2007; Fistula Centre built and equipped for the treatment of obstetric fistula patients; and Construction of Mother and Child hospitals.

It was highlighted, that the National Primary Health Care Development Agency (NPHCDA) established 547 model PHC centres and renovated 354 of such centres which were relatively distributed in uniform manner throughout LGAs across Nigeria between 2011 and 2013. (NPHCDA/SURE-P, 2013). Model Primary Health centres were constructed for designated political wards in addition to the one available per state and the FCT. With support from the Global Funds and Global Alliance for Vaccines and Immunisation (GAVI) 499 PHCs had benefited from renovation and/or additional equipment over the years.

It was remarked, that the report from the 2013 NDHS indicated that overall, 15% of women were using some contraceptive method, indicating a 2% point increase from the 2003 NDHS. The proportion of married women that were using any form of contraception was seen to increase with increasing age up to a maximum of 21.7% in age 40-44 years (Table 10.1). Married women in urban areas (26.8%) were more likely to use any form of contraception than those in the rural areas (8.5%). Married women from the South West (38.0%) geo-political zone were more likely to use contraceptive than their counterparts from the North East (3.2%) and North West (4.3%) geo-political zones.

Over 15 million insecticide-treated nets (ITNs) for malaria control were distributed between 2007 and 2013. This led to ITN increasing from 6.5% in 2005 to 17.8% in 2011. The number of IPT doses distributed to pregnant women in 2009 and beyond rose from zero in 2005 to 5 million in 2013. Other steps taken included mobilisation of communities and organisations to advance the welfare of women and children. World Faith Development Dialogue was engaging 15,000 Imams and Pastors in communities to speak to their followers about malaria prevention and treatment. Advocacy on malaria prevention and treatment through the print and electronic media was reported as a regular feature in Nigeria.

According to the report, Nigeria was reported as having the second largest infected population (3.1 million) of people living with HIV/AIDS (PLWHA) in the world after South Africa (UNAIDS, 2010). This figure had increased slightly to 3.2 million by 2012. However, more females (1.9 million), were infected than males (1.3 million). Between 2010 and 2012 there were more adults living with HIV than children (less than 15 years). HIV counselling and testing (HCT) was reported as the entry point

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for most HIV and AIDS prevention and control programmes. In 2011, the total number of persons who were counselled, tested and received results in the last twelve months was only 2,792,611. In 2013, the total number of females counselled tested and received results was 3,525,293. In 2013 the total number of male counselled, tested and received results was 1,698,672. In 2013 total number of positive females was 203,017. In 2013 total number positive male was 108,694. The Number of HCT sites in the country increased from 1,074 in 2009 to 1,046 in 2010, 1,357 in 2011, 2,391 in 2012 and 7,075 in 2013.

As reported, the Presidential HIV/AIDS Comprehensive Response Plan was the first ever in the history of Nigeria. The Nigerian President in collaboration with the health minister and health professionals had established a two-year comprehensive response plan targeting HIV/AIDS in Nigeria starting from July 2013 to June 2015. The comprehensive plan was developed in response to an evident concern within the HIV/AIDS stakeholders' community to bridge the existing gap and work towards achieving the global target for service uptake. The plan intended to prevent 105,000 infections and save 46,000 lives in 2 years by providing universal access to comprehensive HIV prevention, treatment and care and support services.

On special measures towards reversing the trend of HIV, it was reported that in a bid to ensure the protection of the rights of HIV positive women and men in Nigeria, many states of the Federation had and continued to pass relevant laws, some of which were: (a) HIV and AIDS Workplace Policy in the Cross River State Education Sector (2013). (b) NACA launched its comprehensive national Strategic Framework to cover 2010 to 2015 in 2010 at an estimated cost of N756 billion. The programme is aimed at reaching 80 percent of the sexually active adults with emphasis on women. It is also estimated that 80 percent infected adults and 100 percent children would receive ART by 2015. The programme is also aimed at improving access to quality care and support services to at least 50 percent of people living with HIV by 2015. (c) Rivers State Employees with HIV/AIDS (Anti-Discrimination) Law of 2005.

Reporting on the level of implementation of Article 13 of the Convention, the 7th and 8th periodic report of Nigeria remarked that Nigerian women were represented in the formal sector of the economy; they still operated largely within the informal sector running micro and small -scale businesses. Majority of Nigerian women were concentrated in 'casual, low-skilled, low paid informal sector employment'. They also owned only about 25 -30 percent of the registered businesses in Nigeria.

Under the Women Funds for Economic Empowerment (WOFEE) programme, 5,500 women cooperatives/groups had received N27.2 million out of which 6,000 jobs in Animal Fattening, Poultry, Farming and Trading were created during the period. 28 States of the Federation were participating in the scheme, of which 12 States had contributed their counterpart funds to the tune of N103,500,000. Others included: - launched in 2013 the Smart Woman and 1000 ICT Girls Training Initiatives; - Micro-Credit Grants to 444 Agric-Based Cooperative Societies in 748 Local Government Areas launched on 24 April 2014;- Development of women entrepreneurial activities and encouraging skills acquisition for rural women; - 77 Skills Acquisition Centres were under construction across the country with 24 of these completed and fully equipped. Each centre was expected to train 500 women and People Living; - With Disabilities annually to reduce unemployment and associated social vices in the society.

Others are provision of soft loans to women through cooperative groups; - Widows' empowerment programmes; - Passage of Gender and Equal Opportunities bill in four states between 2008 and 2012; - Introduction of a leave regimen for male and female civil servants in Lagos state, 17 July 2014, women entitled to 6 months maternity leave and male civil servants whose wives gave birth were entitled to 10 working days maternity leave; - Credit facilities provided by Microfinance banks;

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- Girls' Education Programme to improve participation of girls in education/ construction of special schools in 13 states of the Federation; - Recruitment of a total of 9,243 frontline health workers (4,995 midwives, about 3,000 community health extension workers and 1,248 village health workers under the Midwives Service Scheme and SURE-P maternal and child health programme; Development Initiatives for African Women (DIFAW) with accounts already opened for 50 women in Diamond Bank.

The National Housing Policy and National Urban Development Policy were approved on 20 June 2012, thus paving way for an inclusive and participatory process of house ownership. The goal of the National Housing Policy was to ensure that all Nigerians, men and women owned or had access to decent, safe and sanitary housing with secure tenure. The Federal Government launched various intervention schemes through the relevant parastatals namely the Federal Mortgage Bank of Nigeria and the Federal Housing Authority. Such schemes included the Cooperative Housing Finance and Rent-to-Own schemes for the informal sector. A total of 16,447 housing units were added to the national stock. 59,000 had obtained housing loans, while 37,000 Estate Development Loans and 22,000 mortgages had been provided (Pepple, 2012).

As reported, there had been constructive developments in the Nigerian transport system in the years before the report. The overhaul of the railway system and rehabilitation of roads since 2012 provides for mass transportation of citizens and goods at affordable rates and relative comfort. According to the report, in August 2010, President Goodluck Ebele Jonathan launched the Presidential Task Force on Power. The PTFP was charged with the responsibility of developing, monitoring, facilitating and fast tracking the power sector road map delivery target. This was deemed imperative by the Nigerian Government so as to revive the nation's manufacturing sector, improving quality of lives and create jobs especially for women and youths. It was remarked, that CSOs had called for reforms on the land Use Act and implementation of the Nigeria Land Administration Act through awareness campaigns and enlightenment programmes. These activities would ensure that more women owned land assets. It was highlighted that diversifying the economy was a viable means to achieve economic and social empowerment especially for women and the Government was working on this.

On women in rural areas under Article 14, it was noted that recent reports had shown that Nigeria had enjoyed sustained economic growth in recent years with real GDP growth rate averaging 6.5 percent in the last five years preceding the time of submitting the 7th and 8th periodic report on CEDAW. Unfortunately, this growth had not generated enough jobs and the incidence of poverty had been consistently higher in rural areas than urban areas (GFWGN, 2010:30). Giant strides had been made in an attempt to address poverty situation especially in the rural areas and among women. Different poverty alleviation initiatives had been developed and were being implemented both at federal and state levels.

Some of such were highlighted below: (a). FADAMA 11 and 111 - The launch of FADAMA 111 in July, 2008 was a landmark achievement. The project was aimed at increasing the incomes of users of rural land and water resources on a sustainable basis. (b). Rural Finance Institution Building Programme (RUFIN) In order to boost income, food security and general living conditions of poor rural households, particularly female headed households, the Government designed RUFIN which had benefitted about 346,000 families, of which at least 138,000 (40 percent) were female headed households (FMWASD, 2012:34). (c). Entrepreneurship Development Centre the Central Bank established three Entrepreneurship Development Centres, in three geo-political zones in Nigeria, the Centres from inception in 2008, counselled and trained a cumulative total of 101,847 entrepreneurs out of 61,179 females, representing 61 percent of the total trained. Also, the number of females that assessed microcredit loans was 406 out of 802 representing 51 percent. The loan assessed by the

women from banks to start their businesses was valued at N109, 149,885.00 (\$682,186.78) and a total of 2,078 jobs have been created (FMWASD, 2012:35).

Others are the (d) Agricultural Credit Guarantee Scheme Fund - The fund was established to provide guarantees on loans granted by banks to farmers for agricultural production and agro-allied processing. It provided for a fund of N100 million subscribed to by the Federal Government (60%) and Central Bank of Nigeria (40%), (FMWASD, 2012:36). (e). Women's Fund for Economic Empowerment (WOFEE) - WOFEE was established as part of the Government's effort to facilitate access to investible credit facilities for women. The scheme led to the direct creation of about 3,000 entrepreneurs which further generated an additional over 6,000 jobs. (f). Business Development Fund for Women (BUDFOW) - The FMWASD has disbursed over N200 million to 1,000 women.

The scheme was launched to reduce to the barest minimum gender insensitive and stiff criteria of accessing loans from commercial banks by providing soft short-term facilities to women entrepreneurs (FMWASD, 2012:54). (g). Skills Acquisition/Training - As of March 2014, the Federal Government through the Federal Ministry of Agriculture and Rural Development and its Gender and Youth Division had among others conducted training on various agri-business enterprises along priority value chains. They were also taught group dynamics, financial management and access, record keeping and small-scale business identification and management. As reported by Nigeria, various stakeholders — States and CSOs were also embarking on projects aimed at improving the economic empowerment of women in rural areas and thereby expanding opportunities for their self-reliance. Potable water supply was noted as a crucial area that was being addressed in communities in Nigeria. GWIN water kiosks were a key example.

According to the report, a major challenge was that in rural areas, women's right of access to land was still regarded as secondary to that of men and many customs suggested that women's access to land was still mediated via patrilineal systems (Aluko and Amidu, 2006). Lineage membership and property relations affected access to land, social status and political office. In effect, the access of women to critical resources like land, capital and labour depended on their position in the family or community (Onwualu, 2001). It was remarked in the report, that with the population of women in rural areas engaged in subsistence farming, there had been palpable efforts made by the Nigerian Government with development funders, CSOs to improve the well-being of women in rural areas.

On the legal framework for equality before the law under Article 15, the report highlighted that predicated on the basic recitals establishing the background to the making of a common will and vision, the Constitution of Nigeria firmly resolved on the issues of equality which it embedded in the preamble: "WE THE PEOPLE of the Federal Republic of Nigeria, HAVING firmly and solemnly resolved TO LIVE in unity and harmony as one indivisible and indissoluble sovereign Nation under God dedicated to the Promotion of inter-African solidarity, world peace, international co-operation and understanding AND TO PROVIDE for a Constitution for the purpose of promoting the good government and welfare of all persons in our country on the principles of Freedom, Equality and Justice and for the purpose of consolidating the Unity of our people: DO HEREBY MAKE AND GIVE TO OURSELVES, the following Constitution."

As remarked in the report, clearly evident in this preamble is the fact of equality before the law made manifest in section 17(1)(2)(a) reiterating the ideas of freedom, equality and Justice. Section 17(1)(a) provides that "every citizen shall have equality of rights, obligations and opportunities before the law". The Constitution being the ground norm of the country is supreme as shown in Section 1(3) which holds that "if any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail and that other law shall to the extent of the inconsistency be null and void. It was emphasised as therefore clear that going by the provisions of the Constitution, women are equal with men before the law in either criminal or civil matters. Both women and men have the

equal legal capacity and the same opportunities to exercise that capacity. However, such rights were often denied under customary law or sharia law despite the fact that the section of the Constitution that provides for equality before the law did not exempt the customary law or the Sharia law.

Sharia Law which operates in the Northern part of Nigeria made provisions using Islamic Law as the benchmark which allows equal access to the courts of law for legal redress. In practice, however, the treatments of parties were not the same. Under the evidential rules, the evidence of one male is equal to the evidence of two females who must corroborate. In the offence of Zinna (adultery), it requires three males' unimpeachable evidence to find a male guilty of Zinna but the fact of pregnancy is enough to proclaim a female guilty of Zinna when she fails to produce the male partner. What this translates to is that it may be difficult to find a male guilty of zinna for it is unnatural to invite three other persons to watch adultery being committed.

Apart from Sharia law, the Supreme Court had also been able to enforce the provision of the Constitution in relation to the repugnancy test rule. In the case of *Onyibor Anekwe and Anor v. Mrs. Maria Nweke*, the Supreme Court held that Nigerian customs, which disinherited women were repugnant to natural justice, equity and good conscience and should therefore not be allowed to stand. The court therefore declared as repulsive the custom of the Awka people in Anambra State which allowed married women to be disinherited upon the death of their husband because they did not have a male child for the late husband. A widow, Mrs. Maria Nweke, had in 1991 instituted a case at the Awka Division of the Anambra State High Court. This was a landmark decision that was bound to contribute rapidly to the enjoyment of the right to equality before the law between women and men in Nigeria especially as it concerned obnoxious customary laws.

Other laws that denied women the enjoyment of the right to equality before the law include section 55 of the Penal Code which permits a husband to reasonably chastise his wife in a bid to correct her; section 29(3)(4)(b) of the 1999 Constitution which provides that for the purpose of exercising the right to citizenship, any woman who is married shall be deemed to be of full age and therefore be able to exercise such, which otherwise is the reserve of adults. The FMWASD and women's rights advocates had submitted memoranda to the National Assembly and the on - going National Conference calling for the repeal of this section of the law. It was believed that the ongoing constitutional review process would repeal the section.

The incorporation of National Gender Policy, which was adopted in 2006 clearly exhibited the Government's commitment to be viewed not as trying to underscore its objective, but actually doing so in practical terms. The policy was currently being revised to be better responsive in promoting gender equality in Nigeria. In addition to measures already highlighted in the sixth Periodic Report, the following are fresh initiatives that have trailed the blaze of Equality before the law in Nigeria, as remarked in the 7th and 8th periodic report: (a) The Independent National Electoral Commission (INEC) developed a Gender Policy (2014) which was aimed at bridging the ever increasing gender gaps and promoting mutual partnerships between men and women in the operations of the Commission, its relation with relevant stakeholders and promoting gender sensitive practices among political parties. (b) The Nigerian Police Force also developed a Gender Policy in 2010 to eliminate all gender-based discriminatory regulations and practices within the Nigeria Police Force, and ensure that the Police Force, as a major security organ of Government was able to effectively deal with gender-based violence within the larger Nigeria society.

Others included the following: Nigeria Labour Congress Gender Policy, 2010; Nigerian Defence Academy Policy for Equality, 2012; National Agency for Food Drug and Administration of Nigeria (NAFDAC) Gender Policy, 2014 and many more. On the other hand, there were many Equal Opportunity Bills before the different Houses of Assembly. The following states had passed it into law — Imo state, Anambra state (passed twice but governor did not sign before leaving office), Kogi

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state (passed awaiting the governor's consent), Ekiti State passed and signed. Translation of the CEDAW provisions and Protocol to African Charter on Human and Peoples' rights on the Rights of Women in Africa into local languages: Hausa, Igbo and Yoruba by Government and by Women's Rights Advancement and Protection Alternative (WRAPA) Nigeria with support from OXFAM GB and DFID. CIRDDOC had produced simplified and illustrated versions of CEDAW with support from OSIWA and Voices for Change.

As reported, in addition to the obstacles isolated in the sixth periodic report, the following obstacles made women's access to justice a tall order: National Women Machinery was underfunded to run these polices; Social opprobrium/ridicule faced by most women from their community members for daring to take a person particularly, a man to court; High propensity to stop prosecution half way for fear of the unknown either from the immediate family, larger society or even the courts; For crime prosecutions, the problems of police shenanigans, and idiosyncrasies mystified the entire Criminal Procedure Jurisprudence.

On the tripartite legal system and its troublesome imports on equality in marriage and family, it was reported that the factum of marriage conferred some basic rights to the spouses such as right to consortium (right to change of name, defence to life and limb, right to cohabitation and right to sexual intercourse). Previous reports had discussed the problems occasioned by this tripartite legal system of civil, customary and religious laws dealing with forms of marriages manifesting in age of marriage, inheritance rights, consent of parties and parental consent, divorce (civil and customary forms of divorce), widowhood practices, polygamy and health implications, female genital mutilation and its affront to right to health and sexuality as well as discrimination on grounds of sex.

The different forms of marriages celebrated in Nigeria had attracted specific attention and action as the Nigerian Law Reform Commission (NLRC) has been given a special task to harmonise these laws as well as other offensive provisions stated hereunder (a) Section 55(i)(d) — Penal Code of Northern Nigeria (b) Section 282 — Penal Code of Northern Nigeria (c) Section 221 of the Criminal Code Act (d) Section 353 of the Criminal Code Act (e) Section 360 of the Criminal Code Act (f) Section 6 of the Criminal Code Act on Marital Rape (g) Section 1 Criminal Code Act (h) Section 16(2)(c) of Matrimonial Causes Act on proof of conviction before cruelty is established (i) Section 29(3) of the 1999 Constitution on Renunciation of Citizenship and the presumption that any married female child assumes the status of an adult (k) Section 26(2) of the 1999 Constitution (l) Guiding principles and formulae for the Distribution of all Cadres of Posts, Federal Character Commission (Establishment etc.) Decree (1996 No 34) on Indigene-ship (m) Police Regulation 112 (n) Section 33, Cap C. 38 Criminal Code Act LFN 2004 — Criminal Liability attaching to women married under customary Law and the Act (o) non-conferment of citizenship to a foreign husband of a Nigerian woman

Towards this assignment, NLRC had taken concrete steps towards the reformation of all the offensive laws which had been pencilled down for repeal or outright extraction. A draft model of Customary Law and Islamic Law Marriage/ Divorce Registration Law which sought to provide for the mandatory registration of all marriages contracted within the state had been developed and placed before the National Assembly for the passage into law. The New Evidence Act of Nigeria in its Section 14(3) stated clearly that any customary law sought to be applied but fails the test of repugnancy, compatibility and public policy test should be cast away and declared null and void and of no effect. In concrete terms, the Amended Evidence Act, 2011 had reformed some sections to be in tandem with accepted non-discriminatory benchmarks.

The Nigeria Bench was not left out as activist pronouncement and cutting down of customs that held women down, were declared. The Supreme Court of Nigeria had taken the violation of women's rights as a special project which was evidenced in the number of judgments cutting down obnoxious customary practices against women. Justice Bode Rhodes Vivour of the Supreme Court of Nigeria in

April 2014, in the case of *Lois Chituru Ukeje vs Mrs Gladys Ada Ukeje*, wife and daughter of Mr. Lazarus Ukeje declared thus: "...no matter the circumstances of the birth of a female child, such a child is entitled to an inheritance from her late father's estate. Consequently, the Igbo customary law which disentitles a female child from partaking in the sharing of his deceased father's estate is a breach of section 42(1)(2) of the Constitution of the Federal Republic of Nigeria 1999, a fundamental rights provision guaranteed to every Nigerian. This said discriminatory law is void as it conflicts with section 42(1)(2) of the said Constitution. In the light of what I have been saying, the appeal is dismissed"

In April 2014, the Supreme Court nullified a custom that disinherited women as repugnant to natural justice, equity and good conscience in the case of *Mrs. Maria Nweke vs Onyibor Anekwe and Anor*. The claim was for a declaration of the right of occupancy over a parcel of land where Plaintiff lived with her husband until his death. The Defendants were disinheriting Plaintiff because she had only female children for her late husband. Justice Ogunbiyi did not hesitate to make this pronouncement: "I hasten to add that the custom and practice of Awka people upon which the appellants have relied is hereby out rightly condemned in very strong terms. A custom of this nature in the 21st-century societal setting will only tend to depict the absence of the relatives of human civilization. It is punitive, uncivilized and only intended to protect the selfish perpetration of male dominance which is aimed at suppressing the right of the women folk in the given society. One would expect that the days of such obvious differential discrimination are over. Any custom that disinherits a daughter from her father's estate or wife from her husband's property by reason of God's instituted gender differential should be punitively dealt with. The punishment should serve as a deterrent measure and ought to be meted out against the perpetrators of the culture and custom. For a widow of a man to be thrown out of her matrimonial home where she had lived all her life with her late husband and children by her late husband's brother on the ground that she had no male child is indeed very barbaric, worrying and flesh skinning".

Also, the Court of Appeal in *Asika vs Atuanya* (2008) 17 NWLR (Pt 1117) at 484 struck down the custom that portended to demean a woman merely because she is a person of feminine gender and declared such customary practices as unconstitutional. Pathetic situations were witnessed in *Shodipo v Shodipo* (1990) WRN 98 where the court refused to consider the wife's contribution to the 43 - year old marriage and just awarded a lump sum of N200,000 equivalent of (1,800) U.S. Dollars to her, which was considered exceptionally discriminatory were now giving way to a broader interpretation of 50-50 equitable distribution of marital property upon divorce. Both visible and invisible contributions of spouses must be taken into account before arriving at such decisions. This also extended to decisions in the maintenance and custody of children which must be guided by the overriding interest of the child. The following cases decided in Nigerian Courts within the reporting period were cited as clearly strengthening the judicial bent.

In *Lt. Adeyinka A Bibilari vs Ngozika B Aneke Bibilari* (2011) 13 NWLR (PT 1264) p. 207 intolerable behaviour was condemned by the courts. Also, in *Motoh v Motoh* (2011) 16 NWLR (Pt 1274) 431-631, the court drew a distinction between forms of marriages in Nigeria and the rights attendant to such marriage and held that photographs were clear proof of celebration of marriage. Clearly, the Matrimonial Causes Act did not make cruelty a ground for divorce but by extension, Section 15(2)(c) which authorizes an aggrieved spouse to petition for divorce on the ground that the conduct of the Respondent is reprehensible allows such cruelty to occasion divorce. Such cruelty could be physical, emotional (psychological) and economic. In *Bibilari vs Bibilari* (2011) (supra) the court held that cruelty, though not specifically made a ground for divorce under Section 15(2) of MCA, a court can hold that a marriage has broken down irretrievably on the ground that one of the spouses has been cruel to the other.

Marital rape, which is not a crime in Nigerian jurisprudence by reason of Section 6 of the Criminal Code Act, was beginning to be given extensive interpretation by the courts that a rapist must be declared as one even in matrimony. It was remarked in the report, that the ratification of the Protocol to the African Charter on the Rights of Women in Africa by Nigeria secured its obligation to fulfil all conditions therein stated. Towards this, the country was building on the CEDAW Bill which was an executive bill before the Parliament for parliamentary procedures.

9.11 Concluding Observations on Seventh and Eighth Periodic Reports

The Committee considered the combined seventh and eighth periodic reports of Nigeria at its 1518th and 1519th meetings, held on 14 July 2017. The Committee appreciated the submission by the State party of its combined seventh and eighth periodic reports. It also took note of the State party's written replies to the list of issues and questions raised by the pre-sessional working group, although they were submitted very late. It appreciated the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

The Committee commended the State party on its high-level delegation, which was headed by the Minister of Women Affairs and Social Development, Aisha Jummai Alhassan, and included representatives of the Ministry of Women Affairs and Social Development, the Ministry of Foreign Affairs and the Permanent Mission of Nigeria to the United Nations Office and other international organisations in Geneva. The Committee welcomed the progress achieved since the consideration in 2008 of the State party's sixth periodic report, in particular, the adoption of the following: (a) the Violence against Persons (Prohibition) Act, in 2015; (b) HIV and AIDS (Anti-Discrimination) Act, in 2014; (c) Ekiti State Gender-based Violence (Prohibition) Law, in 2011; (d) Cross River State Law to Prohibit Girl-Child Marriages and Female Genital Circumcision or Genital Mutilation, in 2009.

The Committee welcomed the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following: (a) Human rights desk in the military, in 2016, aimed at addressing complaints of human rights violations by the military; (b) Jigawa State gender policy and action plan, in 2013; (c) Ekiti State gender policy, in 2011; (d) Strategic implementation framework and plan of action to operationalize the national gender policy, in 2008.

The Committee welcomed the fact that, in the period since the consideration of the previous report, the State party had ratified or acceded to the following international instruments: (a) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2012; (b) 1961 Convention on the Reduction of Statelessness, in 2011; (c) 1954 Convention relating to the Status of Stateless Persons, in 2011; (d) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2010; (e) Optional Protocol to the Convention on the Rights of Persons with Disabilities, in 2010.

The Committee noted that the State party's efforts to implement its obligations under the Convention had been significantly affected by various conflicts in Nigeria, in particular the terrorist insurgency waged by Jama'atu Ahlis Sunna Lidda'Awati Wal-Jihad (Boko Haram) since 2009. The Committee noted the efforts of the State party to rescue and rehabilitate women and girls who had been abducted and subjected to sexual slavery by Boko Haram. It considered that the full implementation of the Convention, so as to ensure respect for and enjoyment of women's rights, was a prerequisite for the success of those efforts, including those aimed at securing education facilities, bringing about deradicalization and combating violent extremism. The Committee recommended, therefore, that the State party implement the recommendations contained in the present concluding observations as a matter of high priority, including by seeking international assistance and cooperation, if

appropriate, for their implementation. In this regard, it also recommended that the State party adopt a national action plan on the implementation of the present recommendations, in consultation with civil society organisations and religious leaders, which should provide a road map for the enhanced implementation and monitoring of the concluding observations.

The Committee stressed the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invited the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention. In view of the complex federal system of the State party, the Committee also invited the legislatures of the 36 states to act accordingly within their spheres of competence. On the definition of discrimination and legislative framework, the Committee recalled its previous concluding observations (CEDAW/C/NGA/CO/6, paras. 9 and 10) and noted that the State party's federal structure, which established a three-tiered system of governance at the national, state and local levels, continued to present challenges for the incorporation of the provisions of the Convention into the national legal order. Laws that affected women's rights, such as the Violence against Persons (Prohibition) Act of 2015, were therefore applicable only in the Federal Capital Territory.

The Committee was particularly concerned that: (a) Owing to the governance arrangements of the State party, women and girls were subject to different laws and policies that afforded varying levels of protection; (b) The prohibition of discrimination in section 42 of the Constitution did not comprise a comprehensive definition of discrimination in line with Article 1 of the Convention; (c) The gender and equal opportunities bill, which was intended to incorporate the Convention into the national legal order, had stalled and that there was no timeline for the adoption of pending bills such as the disability rights bill. The Committee recalled its previous recommendations (CEDAW/C/NGA/CO/6, paras. 10 and 12) and its general recommendation No.28 (2010) on the core obligations of States parties under Article 2 of the Convention and reiterates that the internal governance arrangements in a State party that entail the delegation of powers do not absolve the State party of its obligations under the Convention.

It, therefore, calls upon the State party: (a) To ensure that its internal governance arrangements did not impede the implementation of the provisions of the Convention throughout its territory. In this regard, the State party should urgently incorporate the provisions of the Convention into national legislation and strengthen its national coordination mechanisms to ensure coherent and consistent implementation throughout the State party; (b) To adopt a comprehensive definition of discrimination against women, in line with Article 1 of the Convention and Sustainable Development Goal 5.1, to end all forms of discrimination against all women and girls, covering all prohibited grounds of discrimination, including direct and indirect discrimination in the public and private spheres, and intersecting forms of discrimination; (c) To expedite the adoption of pending laws, such as the gender and equal opportunities bill and the disability rights bill, and ensure that they fully comply with the Convention.

The Committee noted the efforts to review discriminatory laws by the Nigerian Law Reform Commission and through the ongoing constitutional review process. It also noted the pluralistic legal system in the State party, whereby statutory, customary and Islamic personal laws are applicable side by side. It was concerned that certain aspects of those laws were incompatible with one another and with the Convention. The Committee was particularly concerned that, notwithstanding the comprehensive audit of discriminatory laws conducted by the Commission and the fact that the State party ratified the Convention in 1985, various discriminatory provisions remained in effect, including: (a) Section 42 (3) of the Constitution, which validates any law that may impose discriminatory

restrictions with respect to appointment to the police force; (b) Section 118 (g) of the Police Act, which prohibits the recruitment of a married woman into the police force; (c) Section 55 of the Criminal Code, which permits wife battery as chastisement as long as no grievous bodily harm is inflicted.

The Committee recommends that the State party: (a) Undertake comprehensive law reform, in the context of the ongoing constitutional review process, in order to harmonise conflicting provisions under statutory, customary and Islamic personal laws and ensure that they fully comply with the Convention; (b) Ensure that the ongoing constitutional review process addresses the applicability of statutory, customary and Islamic personal laws, which afforded varying degrees of protection for women and girls, in order to guarantee all women the same rights and protection against discrimination; (c) Expedite the repeal or amendment of all discriminatory laws identified by the Nigerian Law Reform Commission following its comprehensive audit of discriminatory laws in the State party and include religious leaders in the process of addressing issues of faith and human rights, so as to build on several “faith for rights” initiatives and identify common ground among all religions in the State party, as acknowledged by the delegation.

The Committee noted the State party’s efforts to provide legal aid services to women and girls, but was concerned at reports that women’s access to justice was often impeded by insufficient budget allocations for legal aid, alleged corruption and stereotyping within the judiciary. Recalling its general recommendation No. 33 (2015) on women’s access to justice, the Committee urged the State party to increase the budget for legal aid and to investigate allegations of corruption within the judiciary and prosecute and punish corrupt judicial officials who obstruct justice, in order to restore women’s effective access to and trust in the judicial system. It also recommended that the State party intensify efforts to encourage and enable women to gain access to justice by increasing gender awareness among judges and other court personnel.

The Committee welcomed the State party’s launch on 9 May 2017 of its second national action plan for the implementation of Security Council resolution 1325(2000) and related resolutions, which covered the period 2017-2020. While commending the State party for its efforts to combat violent extremism and the terrorist insurgency by Boko Haram and in rescuing more than 100 abducted girls, the Committee remained concerned that: (a) A significant number of girls who were abducted by Boko Haram from Chibok and Damasak in Borno State in April and November 2014, respectively, had not been rescued and continued to be subjected to rape, sexual slavery, forced marriage and impregnation by insurgents; (b) The military and law enforcement authorities had resorted to the blanket arrest and detention of women and girls suspected to have been radicalized or associated with Boko Haram insurgents; (c) Sexual exploitation, including so-called “transactional sex”, was reportedly taking place in camps for internally displaced persons, especially in Maiduguri, and girls and children born as a result of rape and sexual slavery committed by Boko Haram insurgents were subjected to stigma and social isolation; (d) Notwithstanding the ratification of the Arms Trade Treaty in August 2013, women in the State party were affected by the proliferation of small arms and light weapons; (e) Fulani herders in search of grazing land continued to perpetrate violence, which disproportionately affected women and girls; (f) Women continued to be excluded from peace negotiations, conflict prevention, peacebuilding and post-conflict reconstruction efforts in the State party.

The Committee recommended that the State party give due consideration to the Committee’s general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations by ensuring that the second national action plan for the implementation of Security Council resolution 1325(2000) and related resolutions is fully implemented, including through the allocation of adequate budgetary resources and enhanced coordination. The Committee also recommended that

the State party: (a) Intensify its efforts to rescue all women and girls abducted by Boko Haram insurgents, ensure their rehabilitation and integration into society and provide them and their families with access to psychosocial and other rehabilitative services; (b) Ensure that counter-terrorism measures employed by the military and law enforcement authorities, including deradicalization programmes, respect women's rights to dignity and comply with the provisions of the Convention; (c) Continue to investigate, prosecute and punish perpetrators of alleged sexual exploitation, including so-called "transactional sex", in camps for internally displaced persons, especially in Maiduguri, and combat the stigma and social isolation faced by rescued girls through public awareness-raising and education campaigns; (d) Ensure the effective regulation of conventional and illicit arms, including small arms and light weapons, in the State party; (e) Protect women and girls who are disproportionately affected by conflicts and attacks by Fulani herders and ensure that perpetrators of such attacks, including gender-based violence, are arrested, prosecuted and punished with appropriate sanctions; (f) Involve women in the development of strategies to counter the violent extremist narrative of Boko Haram and in addressing the conditions conducive to the spread of violent extremism, especially in the north-east of the State party; (g) Ensure the participation of women in conflict prevention, peacebuilding and post-conflict reconstruction, including in decision-making, in line with Security Council resolution 1325 (2000), and take into consideration the full spectrum of the women and peace and security agenda of the Security Council, as reflected in its resolutions 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013) and 2122 (2013).

The Committee noted the efforts by the Ministry of Women Affairs and Social Development to improve women's rights, including the establishment of gender focal points in line ministries and government departments and agencies and its work to ensure systematic gender mainstreaming and gender budgeting. The Committee was concerned, however, at the lack of adequate human, technical and financial resources for the Ministry — as the national machinery for the advancement of women — to effectively carry out its work on the promotion and protection of women's rights. The Committee recommends that the State party: (a) Provide adequate human, technical and financial resources to the Ministry of Women Affairs and Social Development to enable it to effectively undertake its activities as the national machinery for the advancement of women; (b) Continue to provide support to the gender focal points in line ministries, government departments and agencies to ensure effective gender mainstreaming and gender budgeting, as well as accelerate the decentralization of gender focal points.

The Committee noted the State party's efforts to ensure substantive equality of women and men by, among other things, seeking to implement the national gender policy through its strategic implementation framework and plan, which set the objective of having a 35 per cent quota for women occupying appointed and elected positions. Nevertheless, the Committee is concerned: (a) That the 35 percent quota and other measures, including the "Community Services, Women and Youth Employment" and "Growing Girls and Women in Nigeria" projects, lack a legislative basis that would ensure their enforcement; (b) That there were no mechanisms in place to track the progress of the "Community Services, Women and Youth Employment" project, among others, and that there was no information on plans to expand that project to rural areas, where the majority of women live; (c) At the lack of information on the use of temporary special measures in other areas covered by the Convention where women were underrepresented or disadvantaged, such as employment.

The Committee called upon the State party to use the ongoing constitutional review process to adopt legislation on temporary special measures in order to increase the participation of women in political and public life, education and employment, in line with Article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality between women and men in all areas

covered by the Convention where women were underrepresented or disadvantaged, including employment. The State party should establish mechanisms aimed at tracking progress achieved in the implementation of temporary special measures, such as the "Community Services, Women and Youth Employment" and "Growing Girls and Women in Nigeria" projects, and expand them to rural areas, where the majority of women live.

The Committee noted the State party's efforts to address stereotypes and harmful practices by, among other things, revising the national broadcasting code in 2010 to provide for minimum standards within the media and film industries in relation to combating stereotypes. The Committee remained concerned, however, at the persistence of harmful practices and discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and in society, which perpetuate women's subordination in the private and public spheres. It noted that such stereotypes also contributed to the increase in child marriage, polygamy and wife inheritance and hence, to the disadvantaged and unequal status of women in society. The Committee was further concerned that the State party had not conducted an impact assessment of its national awareness campaign on eliminating stereotypes.

Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee recommended that the State party: (a) Intensify awareness-raising among, targeting of and partnering with the media and the film industry (Nollywood) in order to raise public awareness about discriminatory gender stereotypes regarding the roles and responsibilities of women and men in the family and at all levels of society, with a view to eliminating them; (b) Expand public education programmes on the negative effect of such stereotypes on women's enjoyment of their rights, in particular in rural areas, targeting men and boys, as well as the traditional and religious leaders who are the custodians of customary and religious values in the State party; (c) Take effective measures to prohibit and eliminate child marriage, wife inheritance and polygamy; (d) Conduct an impact assessment of the nationwide awareness campaign on the elimination of discriminatory stereotypes and harmful practices and regularly monitor and review the measures adopted to eliminate them.

The Committee recalled its previous concluding observations (CEDAW/ C/NGA/CO/6, para. 21) and reiterated its concern that, notwithstanding the measures taken by the State party to combat female genital mutilation, including the adoption of the Violence against Persons (Prohibition) Act in 2015, this harmful practice continued to be prevalent. The Committee was particularly concerned that the Act, which proscribes female genital mutilation, applied only in the Federal Capital Territory and not in those federal states in which female genital mutilation was prevalent. Recalling its previous recommendation (CEDAW/C/NGA/CO/6, para. 22), and in line with Sustainable Development Goal 5.3, to eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation, the Committee recommended that the State party: (a) Ensure that the Violence against Persons (Prohibition) Act of 2015 applies in all federal states, including those in which female genital mutilation is prevalent; (b) Raise awareness among religious and traditional leaders and the general public about the criminal nature of female genital mutilation, including so-called "female circumcision", and its adverse effect on the human rights of women.

The Committee noted the State party's efforts to eliminate gender-based violence against women, including through the adoption of the Violence against Persons (Prohibition) Act in 2015; the Act was, however, applicable only in the Federal Capital Territory. The Committee noted with concern that: (a) Gender-based violence against women and girls, including domestic violence, remains prevalent; (b) To date, the "enforcement procedure" framework for the implementation of the

Violence against Persons (Prohibition) Act has not been prepared; (c) Shelters were inadequate and there was no information on their accessibility for women and girls, especially in remote areas.

Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and in line with Sustainable Development Goal 5.2, to eliminate all forms of violence against all women and girls in the public and private spheres, the Committee recommended that the State party: (a) Ensure that the Violence against Persons (Prohibition) Act of 2015 is applicable in all federal states and expedite the drafting and adoption of its "enforcement procedure" framework, which should be focused on developing a comprehensive prevention strategy for gender-based violence against women; (b) Establish additional shelters, strengthen existing shelters run by non-governmental organisations and ensure their accessibility for women and girls who are victims of gender-based violence, especially in remote areas; (c) Strengthen the collection of statistical data on all forms of violence against women, including domestic violence, disaggregated by age, type of offence and relationship between the victim and the perpetrator; (d) Continue to allocate sufficient resources to integrate sexual and gender-based violence into health sector strategic plans and train health care providers in the provision of comprehensive clinical care for victims of gender-based violence.

The Committee welcomed the revised Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, which entered into force in 2015, and the establishment of a trust fund for victims of trafficking in 2008. The Committee was nonetheless concerned that: (a) The State party remained a source, transit and destination country for trafficking in persons, in particular women and girls, for purposes of sexual and labour exploitation; (b) Owing to migration flows in the subregion, internally displaced women and girls and women living in poverty were vulnerable to trafficking; (c) The budgetary allocation for the National Agency for the Prohibition of Trafficking in Persons had been reduced owing to the economic recession in the State party; (d) There were only eight shelters for victims of trafficking in the entire State party; (e) Women in prostitution were allegedly subjected to harassment and abuse, notably by the police and other law enforcement personnel.

The Committee recommended that the State party: (a) Address the root causes of trafficking in women and girls and ensure the rehabilitation and social integration of victims, including by providing them with access to shelters, legal, medical and psychosocial assistance and adequate income-generating opportunities; (b) Intensify awareness-raising efforts aimed at promoting the reporting of trafficking and related crimes and the early detection of women and girls who are victims of trafficking and their referral to appropriate social services; (c) Step up efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers, in particular with countries in the Economic Community of West African States and the European Union; (d) Allocate adequate human, technical and financial resources to the National Agency for the Prohibition of Trafficking in Persons to enable it to effectively undertake its activities; (e) Conduct an assessment of the adequacy of shelters and the services that they provide, including legal, medical and psychosocial assistance; (f) Protect women in prostitution against gender-based violence, abuse and harassment, notably by law enforcement personnel and in particular the police, by investigating, prosecuting and punishing the perpetrators; (g) Allocate sufficient resources for exit programmes for women wishing to leave prostitution, including by providing alternative income-generating opportunities.

The Committee noted the State party's efforts to improve women's participation in political life, including through the trust fund established in 2010 to support aspiring women politicians in the elections in 2011. The Committee also noted the progress made in improving the representation of women in decision-making positions, especially within the judiciary. Nevertheless, it remained concerned: (a) That women were still underrepresented in the National Assembly, in senior

leadership positions in the diplomatic service and at the ministerial level; (b) At the lack of information on the existence of strategies for local council Chairs and councillors and in the private sector to mainstream gender and increase women's participation, including measures to sustain such strategies and mechanisms to monitor and assess their implementation; (c) Women with disabilities had not benefited from any temporary special measures aimed at increasing their representation in political and public life.

The Committee recommended that the State party, in line with Article 4 (1) of the Convention and the Committee's general recommendations No. 25 and No. 23 (1997) on women in political and public life: (a) Introduce temporary measures, such as quotas for political appointments and the accelerated recruitment of women to decision-making positions, in order to accelerate their full and equal participation in elected and appointed bodies, including in the National Assembly, in senior leadership positions in the diplomatic service and at the ministerial level; (b) Provide information on gender mainstreaming strategies for local council Chairs and councillors and the private sector in order to increase women's participation, including measures to sustain those strategies and mechanisms to monitor and assess their implementation; (c) Introduce temporary special measures to increase the representation of women with disabilities in political and public life and expedite the adoption of the disability rights bill.

The Committee was concerned that, under section 26 (2) (a) of the Constitution, Nigerian women married to foreign men cannot transmit their nationality to their husbands, unlike Nigerian men married to foreign women. It was also concerned that section 29 (4) (b) on citizenship renunciation legitimizes child marriage, as it recognises any woman who is married to be of full age for the purposes of renunciation of citizenship. In line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommended that the State party: (a) Repeal section 26 (2) (a) of the Constitution in order to bring it into line with the Convention and ensure that, in accordance with Article 9 of the Convention, Nigerian women who are married to foreign men can transmit their nationality to their husbands on an equal basis with Nigerian men who are married to foreign women; (b) Amend Section 29 (4) (b) of the Constitution, which implicitly recognises and legitimizes child marriage.

The Committee noted the efforts by the State party to address the effect of the Boko Haram insurgency on access to education by women and girls. It noted with concern: (a) That many women and girls in the north-east of the State party had dropped out of school owing to the Boko Haram insurgency; (b) The lack of information on the progress made in securing schools to ensure that girls and teachers were protected from Boko Haram insurgents; (c) That the budget allocation for the education sector remains below the recommended United Nations Educational, Scientific and Cultural Organisation (UNESCO) threshold of 26 percent of gross domestic product; (d) The lack of data on the effect of the privatization of schools on access to education by women and girls; (e) The lack of data on the provision of special needs education for women and girls with disabilities; (f) The resistance in some federal states to the provision of sexual and reproductive health and rights education; (g) That the implementation of the school feeding programme had been heavily affected by a reduction in funding and a lack of logistics and provision of food.

The Committee recommended that the State party: (a) Take specific measures, including by seeking international assistance, if appropriate, to rebuild and secure all schools affected by the Boko Haram insurgency and encourage girls and teachers, including women, to return to those schools; (b) Provide psychosocial and medical support to girls and their families, as well as teachers, encourage girls to continue with their studies and, to that end, explore the use of modern technology in the delivery of subjects and courses; (c) Increase the budget allocation for the education sector with a view to attaining the recommended UNESCO threshold of 26 percent of gross domestic product; (d)

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Provide data in the next periodic report on the effect of the privatization of schools on the right of women and girls to pursue their education and on the provision of special needs education for women and girls; (e) Address the resistance to the provision of age-appropriate education on sexual and reproductive health and rights through awareness-raising campaigns on the significance of such education for combating early pregnancy and sexually transmitted infections among adolescents; (f) Ensure adequate funding, logistics and provision of food to schools under the school feeding programme and ensure the sustainability of the programme.

The Committee welcomed the adoption of the National Minimum Wage (Amendment) Act of 2011 and other efforts to improve the participation of women in the labour market through the implementation of such initiatives as the "Community Services, Women and Youth Employment" and "Growing Girls and Women in Nigeria" projects. Recalling its previous concluding observations (CEDAW/C/NGA/CO/6, paras. 13 and 29), the Committee remained concerned about: (a) Discriminatory provisions in the Labour Act of 1990, the Factories Act of 1987 and the Police Regulations of 1968, which, among other things, prohibit the employment of women in night work and the recruitment of married women to the police and require women, police officers, to make a written request for permission to marry; (b) The delay in adopting the labour standards bill, which was intended to prohibit sexual harassment and the national policy on employment.

It also noted the (c) lack of information on plans to replicate the "Community Services, Women and Youth Employment" project, which provided temporary employment opportunities to unemployed women, young people and persons with disabilities, in other areas, such as re-establishing women development centres; (d) The lack of information on discriminatory practices based on maternity and marital status in the workplace and on the activities of labour inspectors in the Federal Ministry of Labour and Employment to address such complaints and to investigate the alleged gender wage gap, especially in the private sector; (e) The limited efforts of the State party to bridge the information and communications technology divide and to implement specific programmes aimed at building women's capacity with regard to technology, innovation and entrepreneurship.

The Committee reiterates its previous recommendations (CEDAW/C/ NGA/CO/6, paras. 14 and 30) and recommends that the State party: (a) Repeal all discriminatory provisions in labour laws that restrict the participation of women in the labour market, including in the Labour Act of 1990, the Factories Act of 1987 and the Police Regulations of 1968; (b) Consider replicating the "Community Services, Women and Youth Employment" project, which provided temporary employment opportunities to unemployed women, young people and persons with disabilities, in other areas and re-establishing the women development centres; (c) Provide information in the next periodic report on the persistence of discriminatory practices based on maternity and marital status in the workplace and on how labour inspectors have addressed complaints, including investigating the alleged gender wage gap in the private sector; (d) Intensify efforts aimed at bridging the information and communications technology divide and implement specific programmes to build women's capacity with regard to technology, innovation and entrepreneurship.

The Committee noted the State party's efforts to improve the health status of women and girls through the adoption of such policies as the national health policy of 2016. Nevertheless, it noted with concern: (a) The high rate of maternal mortality, which was partly attributable to the lack of access to skilled midwives and the high number of unsafe abortions; (b) The high incidence of unsafe abortion owing to the State party's restrictive laws, which permitted abortions only in order to save a pregnant woman's life; (c) The limited use of modern forms of contraception by women and girls, the fact that the State party had one of the highest HIV rates in the world, disproportionately affecting women and girls, especially women in prostitution, and the prevalence of malaria; (d) The high incidence of obstetric fistula and the limited access to antenatal, delivery and postnatal care

owing to physical and economic barriers; (e) Reports of high rates of infertility and miscarriage in Zamfara State owing to lead contamination.

Recalling its previous recommendation (CEDAW/C/NGA/CO/6, para. 32) and its general recommendation No. 24 (1999) on women and health, the Committee recommended that the State party: (a) Intensify efforts to reduce the incidence of maternal mortality, including through the training of midwives and the effective implementation of the national midwives service scheme, especially in rural areas, to ensure that all births are attended by skilled health personnel, in line with Sustainable Development Goals 3.1 and 3.7; (b) Amend relevant Criminal Code provisions of federal states, with a view to legalizing abortion in cases of rape, incest, risk to the physical or mental health or life of the pregnant woman and severe impairment of the fetus, and decriminalize abortion in all other cases; (c) Implement strategies to combat malaria and HIV, especially preventive strategies, and enhance the provision of free antiretroviral treatment to all those living with HIV, including pregnant women in order to prevent mother-to-child transmission, and encourage women in prostitution to use condoms and guarantee them access to adequate and respectful health care so that they can be active agents in efforts to combat HIV/AIDS; (d) Ensure that all women and girls have affordable access to modern forms of contraception and intensify efforts to raise awareness of contraceptive use and sexual and reproductive health and rights, targeting both women and men; (e) Address the high incidence of obstetric fistula and the physical and economic barriers to women's limited access to antenatal, delivery and postnatal care; (f) Ensure that women and girls affected by lead contamination in Zamfara State have access to health care and that the consequences of contamination are continuously monitored with a view to providing necessary medical interventions.

On the economic empowerment of women, the Committee noted the State party's efforts to promote women's economic empowerment and social welfare, including through the adoption of the Social Insurance Trust Fund Act, in 2012, and the Pension Reform Act, in 2014. The Committee welcomed the State party's adoption of a transition strategy from the Millennium Development Goals to the Sustainable Development Goals in 2015. Nevertheless, the Committee was concerned at: (a) The lack of information on the effect of the national microcredit policy on women and girls and on efforts to enhance their capacity with regard to entrepreneurship; (b) The limited efforts of the State party to explore investment and employment opportunities for women through its investments in renewable energy while combating the adverse effects of climate change.

The Committee recommended that the State party: (a) Provide detailed information in its next periodic report on the effect of the implementation of the national microcredit policy on women's access to loans and other forms of financial credit, as well as on efforts to enhance the capacity of women and girls with regard to entrepreneurship; (b) Explore investment and employment opportunities for women through investments in renewable energy while combating the adverse effects of climate change in the context of its efforts to implement Sustainable Development Goals 5, 7 and 13; (c) Accord priority to the participation of women in its efforts to meet the targets of the 2030 Agenda for Sustainable Development.

The Committee commended the State party on its efforts to improve the livelihoods of rural women through the implementation of various programmes to promote entrepreneurship, such as the Rural Finance Institution-building Programme and Agriculture Credit Guarantee Scheme Fund, and training programmes. The Committee was concerned, however, that: (a) Rural women continued to face obstacles that prevent their full participation in decision-making processes and in the development of rural development policies; (b) Women owned less than 7.2 percent of the total land mass in the State party and their land rights in rural areas were not guaranteed; (c) Rural women continued to face physical, economic and other barriers in gaining access to health care, family planning services, education, employment and other basic services.

The Committee recommended that the State party: (a) Ensure the full participation of women in decision-making, including on rural development programmes and policies; (b) Continue to expand women's access to microfinance and microcredit at low-interest rates to enable them to engage in income-generating activities and to start their own businesses with a view to combating poverty among rural women and promoting rural women's advancement; (c) Review the Land Use Act of 1990, the Land Administration Act of 1978 and related land laws and repeal any provisions that prevent women's access to land in order to ensure that rural women have access to land; (d) Take measures to holistically address structural problems facing rural women so as to meet their needs in respect of health care, family planning services, education, employment and other basic services.

The Committee noted with concern the multiple forms of discrimination that women and girls face in the State party. It was particularly concerned: (a) That women and girls with disabilities faced physical and economic barriers in various fields, especially in gaining access to health care, education and employment; (b) At the lack of information on the participation of displaced women and girls in recovery efforts and in addressing the root causes of displacement; (c) That the draft national policy on internally displaced persons had not yet been adopted; (d) At reports of intersecting discrimination and violence against women and girls caused by homophobia; (e) At reports of overcrowding of women in places of deprivation of liberty, which was partly attributable to the excessive use of preventive detention.

The Committee recommended that the State party: (a) Intensify its efforts through existing and new innovative programmes that target women with disabilities in order to facilitate their access to health care, education and employment and to combat all forms of discrimination against them; (b) Adopt mechanisms to ensure the effective participation of internally displaced women and girls in recovery efforts and in addressing the root causes of displacement; (c) Expedite the adoption of the draft national policy on internally displaced persons and ensure that it integrates a gender perspective in addressing internal displacement; (d) Take measures to address homophobia and protect affected women and girls; (e) Improve women's conditions in all places of deprivation of liberty by addressing the problem of overcrowding in line with international standards, including the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

The Committee noted the complexity of the various — and sometimes contradictory — statutory, customary and Islamic marital regimes in the State party, with their varied implications for women's legal capacity and in the regulation of marriage and divorce. It also takes note of the draft model customary law and Islamic law marriages/divorce registration law, which seeks to provide for the mandatory registration of all marriages within a state and is currently before the National Assembly. The Committee was concerned that: (a) Although the Child Rights Act of 2003 sets the legal age of marriage at 18 years for both women and men, it is applicable only in a limited number of federal states and that, in some states, especially in the northern region, child marriage was prevalent; (b) While sections 218 and 357 of the Criminal Code protect girls under 13 years of age from forced sexual intercourse, section 6 excludes its applicability to girls of the same age in customary law marriages; (c) Inheritance rights were largely based on succession by men; (d) No specific measures had been taken to eradicate polygamous relationships.

The Committee recommends that the State party: (a) Ensure that the draft model customary law and Islamic law marriages/divorce registration law complies with the provisions of the Convention and guarantee full legal capacity for all women with regard to marriage, custody and inheritance; (b) Ensure that the Child Rights Act of 2003 is applicable throughout the State party and eradicate child marriage through awareness-raising efforts and by prosecuting and punishing perpetrators and accomplices; (c) Repeal section 6 of the Criminal Code, as it legitimizes child marriage and rape by

excluding the applicability of sections 218 and 357 of the Criminal Code, which protect girls under 13 years of age from forced sexual intercourse; (d) Review the legal regimes governing inheritance under customary law and Islamic personal law to ensure that women's inheritance rights are in line with the Convention and effectively enforced and that women are fully informed about the changes in the law; (e) Eradicate polygamy through the use of awareness-raising campaigns and education, which should, among other things, focus on the harmful effects of this practice and fully involve religious, traditional and local government leaders.

The Committee encouraged the State party to accept, as soon as possible, the amendment to Article 20 (1) of the Convention concerning the meeting time of the Committee. The Committee called upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention. The Committee called for the realisation of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development. The Committee requested the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation. The Committee recommended that the State party link the implementation of the Convention to its development efforts and that it avails itself of regional or international technical assistance in this respect.

The Committee noted that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee, therefore, encouraged the State party to consider ratifying the first Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

The Committee requested the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 (a), (b), 16 (a) and 20 of the concluding observations to the 7th and 8th periodic report of Nigeria. The Committee invited the State party to submit its ninth periodic report, which would be due in July 2021. The report should be submitted on time and, in case of delay, should cover the entire period until its submission. The Committee requested the State party to follow the harmonised guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).

In addition to the reports from the Nigerian Government, there were shadow reports by some Civil Society Organisations such as (a). Joint submission by Center for Reproductive Rights and the Women Advocates Research and Documentation Center – 30th May 2017 (b). Amnesty International – 7th June 2017 (c). Nigeria Sex Workers Association – 8th June, 2017 (d). International Baby Food Action Network (IBFAN) – 13th June 2017 (e). Women's International League for Peace and Freedom (WLPP) – 28th June 2017

Chapter Ten

CONVENTION ON RIGHTS OF THE CHILD

10.0 Introduction

The Convention on the Rights of the Child (CRC) was adopted and opened for signature, ratification and accession by the General Assembly Resolution 44/25 of 20 November 1989 and entered into force on 2 September 1990, in accordance with article 49⁵⁸. It became the most widely ratified human rights treaty in history and has helped transform children's lives around the world.⁵⁹

For the purposes of this Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, the majority is attained earlier⁶⁰. In 1989, world leaders made a historic commitment to the world's children by adopting the United Nations Convention on the Rights of the Child – an international agreement on childhood.⁶¹ The obligation of States Parties under the Convention as spelt out in Article 3 are as follows: States Parties undertake to ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.

To this end, States Parties undertake: (a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention; (b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities; (c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes; (d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention; (e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organisation or private enterprise; (f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines; (g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost; (h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities; (i) To promote the training of professionals and staff working with persons with disabilities in the rights recognised in this Convention so as to better provide the assistance and services guaranteed by those rights.

With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realisation of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve

⁵⁸ <https://www.unicef.org/child-rights-convention/convention-text> - Accessed 10/12/2022

⁵⁹ <https://www.unicef.org/child-rights-convention> - Accessed 10/12/2022

⁶⁰ Part I, Art. I, Child's Rights Convention

⁶¹ <https://www.unicef.org/child-rights-convention> - Accessed 10/12/2022

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persons with disabilities, including children with disabilities, through their representative organisations.

Nothing in the present Convention shall affect any provisions which are more conducive to the realisation of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognised or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognize such rights or freedoms or that it recognises them to a lesser extent. The provisions of the present Convention shall extend to all parts of federal states without any limitations or exceptions.

Nigeria's Initial Report on the CRC was due on 18 May 1993 but was submitted on 19 July 1995. The second report fell due on 18 May 1998 and was submitted on 01 September 2004, while the third was submitted on 19 May, 2008, although it became due on 18 May, 2008. As remarked in Nigeria's Initial Report on the implementation of the CRC, Nigeria is situated on the west coast of Africa. It is bordered by the Republics of Benin and Niger in the west, Cameroon in the east, Niger and Chad in the north, and the Gulf of Guinea in the south. Nigeria covers a land area of 924,000 square kilometres, and with a population of 88.5 million as recorded by the 1991 census, it is the most densely populated country in Africa. Nigeria has a tropical climate, with two seasons: the dry season which lasts from November to March and the rainy season from April to October. Nigeria has three dominant ethnic groups, the Hausa/Fulani of the north, almost all of whom are Muslims, the Yoruba of the south-west, of mixed religion, and the Ibo of the east, many of whom are Christians.

According to the report, Nigeria is the sixth largest producer of crude oil in the world and the second in Africa. Petroleum accounts for over 80% of the nation's export earnings and about 70% of government revenues. Agriculture also accounts for about 70% of total employment and the major cash crops are cocoa, rubber, groundnuts, cotton and palm kernels.

At the time of the report, Nigeria was made up of 30 States and the Federal Capital Territory, Abuja. After its independence in 1960, the country adopted a Republican Constitution within the Commonwealth of Nations. Twelve States were created in 1967 out of the then existing four regions. Seven additional States were again created in 1970, two in 1987 and nine in August 1991. The 30 States and Abuja were further subdivided into 589 Local Government Areas. Nigeria operated a three-tier presidential system of government, with the head of State at the centre, while the States were headed by Governors and Local Government Councils were headed by Chairmen. Nigeria, being under a military administration, had the legislative power concentrated mainly in the centre whose supreme organ was the Provisional Ruling Council (PRC) with the Head of State as Chairman.

It was remarked that Nigeria ratified the Convention on the Rights of the Child in March 1991. Before the ratification, existing national programmes were highly supportive of issues and concerns relating to the welfare and development of the child. Various social service programmes and policies for the child were directly entrenched in Nigerian society. As reported, the socio-cultural milieu had important implications for child rights monitoring in Nigeria. In particular, the social system exerted a profound influence on the development of the total personality of the child, his social capacities, his values and attitudes, his aspirations, his anxieties and his self-image.

The Nigerian Government had established various national policies and deliberate programmes to pursue and advance child survival concerns in the country. Most notable among existing national policies which were relevant to child rights protection were the National Policy on Health (NPH) 1991, the National Policy on Education, 1981, the Social Development Policy for Nigeria (1989) and the National Policy on Population (1988), details of which were presented in the appropriate sections of

this report. A major government programme which promoted maternal and childcare, particularly at the grass-roots, was the Better Life Programme (BLP) which was inaugurated in 1987 and formalised by Decree 42 of 1992.

Furthermore, a number of measures were taken which culminated in the ratification of the Convention. These included the following: the national seminar organised by the Federal Ministry of Culture and Social Welfare on the Nigerian Child in September 1990. The seminar sensitised the general public to the critical importance of the child in the society. In September the same year, a high-level government delegation headed by the Vice-President represented Nigeria at the World Summit for Children. In February 1991, a National Child Welfare Committee was established by the Federal Ministry of Culture and Social Welfare to formulate a national framework for implementing the goals of the World Summit for Children. That was followed by the establishment of a Trust Fund for the Nigerian Child in March 1991. Set up to enhance the talents of children through arts and cultural activities, it also raised funds for the execution of programmes and projects designed for child welfare services especially for disabled children.

10.1 Nigeria's Initial Report

The report emphasised that laws protecting children in Nigeria existed under various statutes, e.g., Penal Code, Criminal Code and the Children and Young Persons Law. In October 1989, a detailed consideration of legal and social questions arising from the rights of and prejudices against women and children was undertaken at a national conference on women and children. It was against this background, and with the ratification of the Convention on the Rights of the Child, that Nigeria took further steps to review the laws and policies relating to children and women. This led to a further review of the laws and the definition of the child against the background of the Convention.

As reported, in Nigeria the following administrative and legislative instruments were supportive of the provisions of the Convention: the Nigerian Labour Act of 1990 which protected children from exploitation and abuse; the Cinematography Act of 1990 which protected the child from exposure to indecent and obscene materials, publication and films; the Tobacco and Alcohol Advertisement Decrees, which forbade the use of children in the advertisement of cigarettes and alcoholic beverages; the Children and Young Persons Law, 1958; as well as Criminal laws which prohibited the sale and trafficking of children. In furtherance of Nigeria's commitment to the provisions of the Convention, the draft of a Children's Decree which was produced in 1993 took into consideration the Convention on the Rights of the Child, the OAU Charter on the Rights and Welfare of the Child and the Beijing Rules. The draft decree would soon be signed into law.

The report cited a National Workshop on the Review and Application of the Children and Young Persons Law in Nigeria which was held in July 1991. A 62-point communiqué which provided a national framework for a new legal dispensation on the child was released at the end of the workshop. The Mass Mobilisation for Social Justice, Self-Reliance and Economic Recovery (MAMSER) and the African Network for the Prevention and Protection against Child Abuse and Neglect in Nigeria (ANPPCAN) jointly organised a workshop on the Rights of the Child in Nigeria in August 1991.

In March 1992, a national seminar was organised by the Federal Ministry of Culture and Social Welfare to sensitise media executives on the implementation of the Convention on the Rights of the Child. It was also designed to solicit the commitment of the mass media in reporting and monitoring the observance of children's rights in the country. Consequently, as reported, representatives of media institutions and allied professions signed a statement of commitment to promote the Convention and the OAU Charter on the Rights and Welfare of the Child. A National Committee on Women and Children was set up in 1991 by the Federal Government to review all laws relating to women and children.

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The report further highlighted that in 1989 the National Commission for Women was established. It took over the child welfare services from the Federal Ministry of Health and Social Services in 1991. Consequently, a full-fledged Child Welfare Department was created. The Commission was replicated at State and Local Government levels. The National Commission for Women inaugurated a National Working Committee on Child Welfare in March 1993. This Committee was charged with the responsibility of working out strategies for effective delivery of child development services in Nigeria and for promoting collaboration among line ministries and relevant organisations on the development and protection of the child.

In October 1994, the Federal Government inaugurated a National Child Rights Implementation Committee with the following terms of reference: Initiating actions that would ensure the popularity of the Convention on the Rights of the Child, and the OAU Charter on the Rights and Welfare of the Child; Continuous review of the state of implementation of the Convention on the Rights of the Child in Nigeria; and Developing and recommending to Government specific programmes and projects that would enhance the status of the Nigerian child. Others include Instituting an appropriate mechanism that will enable Nigeria to monitor and evaluate the implementation of the provisions of the Convention; Collecting and collating data on the implementation of child rights; and preparing and submitting periodic reports on the state of implementation to the Federal Government, the OAU and the United Nations.

According to the report, in order to ensure maximum implementation and monitoring of the Convention, membership of the Committee was drawn from a cross-section of governmental and non-governmental organisations, higher institutions and individuals. Membership from federal ministries include the National Commission for Women; National Planning Commission; Nigerian Immigration Service; Nigerian Prisons Service; Nigerian Law Reform Commission; Federal Ministry of Education and Youth Development; Federal Ministry of Health and Social Services; Federal Ministry of Justice; Federal Ministry of Information and Culture; Ministry of Foreign Affairs; and Police Affairs Commission.

Membership from non-governmental organisations and the media include the National Council of Women Societies (NCWS); African Network on the Prevention and Protection against Child Abuse and Neglect in Nigeria (ANPPCAN); Academic institutions; Child-care experts; News Agency of Nigeria; Nigerian Union of Journalists; etc. These processes were supported by UNICEF (facilitator); United Nations Agencies (Observers); UNDP; ILO; UNESCO; World Bank; UNFPA.

According to the report, in Nigeria, the girl child was disadvantaged, due to the cultural practice of male child preference. In primary education enrolment, there was disparity in some parts, while in other parts, there were equal opportunities as evidenced by the following Federal Office of Statistics (FOS) 1994 table of statistics:

%Primary school enrolment/States	Male	Female
Akwa Ibom State	94	94
Bauchi State	33	28
Benue State	75	67
Delta State	93	92
Kogi State	78	74
Ogun State	95	94

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In order to enhance girl children enrolment and promote their rights to education, a National Task Force on the Girl Child was established in 1993 with the following objectives: Identify areas of intervention in the education of the girl child; Work out a definite programme of activities to bridge the gap between the level of literacy between boys and girls; Effect actual implementation of the plan of action and monitor the implementation process; Ensure the improvement of the level of literacy of the girl child by raising the enrolment rate and reducing gender disparity in school enrolment by 15 percent by the year 2000; Identify cultural and administrative practices that tended to encourage and widen the disparity between the boy child and the girl child with a view to gradually eliminating them; and organise mass mobilisation campaigns to promote girl child education and development.

Zonal and State Task Forces were subsequently set up for effective monitoring and implementation of the girl child education programme at the grassroots. It was also reported that in recognition of the increased demand in the implementation of the various ECOSOC resolutions and United Nations Conventions, the National Commission for Women was upgraded into a Ministry of Women's Affairs and Social Development in 1995. The Ministry would promote the interest of children and women and coordinate sectorial activities which concern women and children. In addition, the Government had established a Family Support Programme (FSP), which resulted from the 1994 declaration by the United Nations of the International Year of the Family.

The Family Support Programme as it related to children aimed at: Organising and committing the energies of children and the youth to voluntarily serve their neighbourhood, local communities and the nation at large; Increasing the provision of recreational and sporting facilities in schools and neighbourhood so that the energies of children and the youth were appropriately channelled; Promoting programmes which would bring together children from different ethnic groups and socio-economic strata to engage in activities which would foster unity, mutual support and cooperation; Eliminating various forms of child abuse and child neglect which endangered the physical and emotional well-being of the children and enforcement of relevant legislation against child labour.

As reported, for effective sensitisation and enlightenment of the public on the rights of the child, the following activities were embarked upon annually by government agencies: First Lady's concern for the Nigerian Children's Trust Fund. This was to enhance the talents of children through arts and cultural activities. It also served as a forum to raise funds for the execution of programmes and projects designed for child welfare services as well as create awareness at the highest government level on issues relating to the child; Day of the African Child (16 June). This is an annual event commemorated in line with the OAU resolution of creating a positive change for children throughout the continent. It is also in line with the spirit and commitment of the World Summit for Children, the Dakar Consensus and the need to sensitise the public on the rights of the child and encourage implementation of those rights.

Highlights of the day included: Statement of commitment and support for Nigerian children by the President; Media encounter/press briefing; Radio and television discussions; Production and airing of radio jingles; Parade by African children; Children's Parley which features discussion between the First Lady and Children; Entertainment by children; Presentation; Good will messages; Donation in aid of children; National Children's and Youth Day Celebration (27 May) to honour Nigerian children and to sensitise the public on children's rights and needs. The day also promotes children's competitions, rallies, art and toy development, dialogue with government officials and policy makers and other educationally stimulating programmes. Also, part of the activities is the National Children's Holiday Camp which was designed to educate Nigerian children on their rights and foster interaction, understanding, and unity among them.

According to the report, to complement government efforts, relevant non-governmental organisations were involved in the establishment of day-care centres; running of orphanages, setting up counselling centres; enlightenment campaign on vesico-vaginal fistula (VVF); breast-feeding; children in especially difficult circumstances (CEDC); harmful traditional practices and immunisation; and in research and data collection. In addition, the Nigerian Chapter of African Network for the prevention and Protection of Child Abuse and Neglect in Nigeria (ANPPCAN) established Regional Monitoring Centres on child rights violation in the country.

The mass media in the country, as reported, had been largely supportive of the Convention. Following the statement of commitment signed in 1992, various media messages on the provisions of the Convention are being regularly featured on radio, television, magazines and newspapers. In addition, there had been an increase in the establishment of children's magazines and comics.

It was emphasised in the report that despite the efforts of Government towards the Convention, a number of factors were serious constraints to the effective implementation of its provisions as certain traditional practices indirectly negated the implementation of some of the provisions of the Convention. Among these are discriminatory practices against girls; superstitious beliefs; early marriage; female circumcision; high bride price; inheritance; widowhood practices; street trading; tribal marks and tattoos. As reported, Nigeria ratified the Convention amidst some economic problems. At the time, the Structural Adjustment Programme (SAP) was in existence and contrary to its expected good intentions, the negative impact of the programme adversely affected the dependent and vulnerable group, women and children.

Since the ratification of the Convention in 1991, several administrative changes had taken place in Government which inadvertently slowed down the processes of implementation. However, the Family Support Programme had, as one of its main objectives, the enhancement of the quality of life of children.

The National Child Welfare Policy of 1989 defined a child as anybody who was 12 years or below. However, a draft decree put into law had set the age of the child in Nigeria as 18 years or below. It was considered as pertinent to note that the age definition of the Convention was already in practice under municipal laws. Parents, and the society at large, were therefore under an obligation to provide their children with proper education and protect them from exploitation arising from early marriage, employment and their negative influences that infringe on their rights.

The Nigerian Labour Act of 1990 states as follows: "(1) No child shall... be employed or work in any capacity except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character approved by the Minister; or be required in any case to lift, carry or move anything so heavy as to be likely to injure his physical development. No young person under the age of fifteen years shall be employed or work in any industrial undertaking: Provided that this subsection shall not apply to work done by young persons in technical schools or similar institutions if the work is approved and supervised by the Ministry of Education (or corresponding department or government) of a State.

A young person under the age of fourteen years may be employed only: On a daily wage; on a day-to-day basis; and so long as he returns each night to the place of residence of his parents or guardian or a person approved by his parents or guardian:

Provided that, save as may be otherwise provided by any regulations made under section 65 of this Act, this subsection shall not apply to a young person employed in domestic service. No young person under the age of sixteen years shall be employed in circumstances in which it is not reasonably possible for him to return each day to the place of residence of his parent or guardian

except: With the approval of an authorised labour officer; and on a written contract (which, notwithstanding any law to the contrary, shall not be voidable on the ground of incapacity to contract due to infancy) conforming with Part I of this Act: Provided that, save as may be otherwise provided by any regulations made under section 65 of this Act, this subsection shall not apply to a young person employed in domestic service.

No young person under the age of sixteen years shall be employed: To work underground; or on machine work; or on a public holiday. No young person shall be employed in any employment which is injurious to his health, dangerous or immoral; and, where an employer is notified in writing by the Minister (either generally or in any particular case) that the kind of work upon which a young person is employed is injurious to the young person's health, dangerous, immoral or otherwise unsuitable, the employer shall discontinue the employment, without prejudice to the right of the young person to be paid such wages as he may have earned up to the date of discontinuance.

No person shall continue to employ any young person under the age of sixteen years after receiving notice either orally or in writing from the parent or guardian of the young person that the young person is employed against the wishes of the parent or guardian: Provided that this subsection shall not apply to a young person employed under a written contract entered into with the approval of an authorised labour officer. No young person under the age of sixteen years shall be required to work for a longer period than four consecutive hours or permitted to work for more than eight working hours in any one day."

According to the report, under subsection (2) of S.39 of the Nigerian Constitution, "No citizen of Nigeria shall be subject to any disability or deprivation merely by reason or circumstances of his birth". This section is retained in S.38 (2) of Decree No.61 of 1993. A child is legitimate at birth if born in lawful wedlock. The Matrimonial Causes Act 1970 makes provision for the custody of children of a marriage. S.71 (1) provided that in custody proceedings, "the court shall regard the interest of the children as the paramount consideration". S.23 (1) of the Area Court Edict 1968 provided that "in any matter relating to the guardianship of children the interest and welfare of the child shall be the first and paramount consideration".

As reported, in Nigeria, the age of demarcation for absolute lack of criminal responsibility followed that set at common law for capital offences, and latter serious felonies. The governing rule was that an infant under the age of seven years could not be guilty of felony. Thus, the Criminal Code, S.30, provided: "A person under the age of twelve years is not criminally responsible for any act or omission unless it is proved that at the time of doing the act or making the omission, he had the capacity to know that he ought not to do the act or make the omission."

The Penal Code, S.50, provided that no act is an offence which is done: By a child under 7 years of age; By a child above 7 years of age but under 12 years of age who has not attained sufficient understanding to judge the nature and consequence of such act. Sections 26 (1), 27 and 28 of the Children and Young Persons Law provide that where a child under the age of 7 commits an offence, he is to be brought before the Juvenile Court. Section 2 of the Law describes a child as "a person under fourteen", and young persons between 14 and 17 are subject to special procedures.

It was emphasised in the report that the Nigerian Constitution protects and respects the fundamental rights of all citizens, adult and children alike. Chapter 4 of the Constitution provides an array of such rights: right to life (S.30); right to dignity (S.31); right to personal liberty (S.32); rights to freedom of thought, conscience and religion (S.34); right to freedom of expression (S.36); right to peaceful assembly (S.37); right to freedom of movement (S.38); and right to freedom from discrimination (S.39). These constitutionally guaranteed rights are in agreement with the general principles of the Convention, namely non-discrimination, best interest of the child, right to life, survival and

development and respect for the views of the child. In addition, various sections of the laws and the Penal Codes address these issues.

The Constitution of the Federal Republic of Nigeria (S.39 (2)) of 1979 stipulates that no child shall be discriminated against due to the circumstances of his birth. Traditional and religious values, however, infringe on the full implementation of this part of the Constitution. For example, in the Muslim tradition, a child born out of wedlock has no right to inheritance and full adoption. There exist, however, very good foster laws in those States having such traditions. Section 23(1) of the Area Court Edict 1968 provided that in any matter relating to the guardianship of children, the interest and welfare of the child shall be the first and paramount consideration. Before the ratification of the Convention in 1991, the provisions of which were reflected in the draft Children's Decree, the spirit of Article 3 of the Convention was already in force in Nigeria. Nevertheless, there were cultural constraints arising from respect for age and experience which did not always place the best interest of the child above all considerations.

The Nigerian Law of Evidence, Cap. 112, S.155 and 183 of 1990 states that "all persons shall be competent to testify unless the court considers that they are prevented from understanding the question put to them or from giving rational answer to those questions by reason of tender age". Section 38 of the Children and Young Persons Act of 1958 further states that "in any proceedings for any offence the evidence of any child who is tendered as a witness and does not in the opinion of the court understand the matter of an oath, may be received although not given upon oath if in the opinion of the court such a child is possessed of sufficient intelligence to justify the reception of the evidence and understand the duty of speaking the truth". The section went further to state that for the evidence of the child to be binding on the court this has to be corroborated by the evidence of an adult. This low value of the evidence of the child had been changed in the draft decree. In general, however, a child gained more acceptance as he matures – in the words of the Convention, "as capacities evolve".

The right of the Nigerian child to life, survival and development was reported as being guaranteed under the Nigerian Constitution of 1979 which was then in force. Civil Rights and Freedoms. Section 23 of the 1979 Constitution which provides for citizenship by birth reads thus: "(a) Every person born in Nigeria before the date of independence, either of whose parents or any of whose grandparents belong or belonged to a community indigenous to Nigeria. Provided that a person shall not become a citizen of Nigeria by virtue of this section if neither of his parents or any of his grandparents was born in Nigeria; (b) Every person born outside Nigeria either of whose parents is a citizen of Nigeria."

As the report clarified, the Registration of Births laws in each of the States of Nigeria ensured that every child was given a name and an identity which must be registered. The extended family system ensured that children were cared for at all times by an adult who was responsible for their welfare. However, with the foreign values and economic hardships, the extended family system was no longer as effective as it used to be. Some States promulgated laws for the adoption and fostering of children. The children and young person's laws of the States also placed a duty on parents or anybody in law to provide for the all-round development of the child.

A child's citizenship by birth cannot be repudiated. The State has no right to interfere in the child's right to identity/name. The State may, however, interfere under the Children and Young Persons Law in the right to family relations if it could be seen that the best interest of the child was not being exercised in such relations. Sections 36 and 38 of the 1979 Constitution grant a child the fundamental right to freedom of expression and the press. The child is therefore free to hold opinions, receive and impart ideas and information without interference. This right is, however, subject to the purpose of preventing the disclosure of information received in the courts or of cinematograph films. Section

36 of the 1979 Constitution combines the freedom of expression with the freedom of access to appropriate information. To this end, the mass media had columns and programmes designed to be of special interest to children and to help their development. This right was, however, expected to be exercised under guidance.

Section 35 of the 1979 Constitution ensures the child's right to freedom of thought, conscience and religion. Thus, a child is entitled to change his religion or belief and he/she is free to manifest and propagate his religion or belief in worship, teaching, practice or observance. The same section protects a child attending a place of education from being required to receive religious instruction or take part in or attend any religious ceremony or observation if such instruction, ceremony or observation relates to a religion other than his own or a religion not approved by his parent or guardian. Membership of a secret society or participation in any of its activities was, however, prohibited. In the exercise of this right, too, parents/guardians have a duty to direct their children.

Section 37 of the 1979 Constitution provides for the right to freedom of association and of peaceful assembly. Thus, a child is entitled to assemble freely and to associate with other persons for the protection of his interest. A child, however, cannot be a member of a political party. Parents and guardians continued to have civil liability for their children. It was therefore in their interest to direct the exercise of this right in conformity with the laws. Section 34 of the 1979 Constitution guarantees and protects the privacy of the child, his/her home, correspondence, telephone conversations and telegraphic communications. The exercise of this is, however, subject to the interest of defence, public safety, public order, public morality, and the protection of the rights and freedoms of others.

Section 31 of the 1979 Constitution ensures for the child the dignity of his/her person and accordingly: The child shall not be subjected to any form of torture or to inhuman or degrading treatment; and the child shall not be required to perform forced or compulsory labour. Infringement was liable to prosecution both under the Constitution and the criminal laws. The child was not liable to capital punishment or life imprisonment for offences committed by him. The family is the foundation and basic unit of the society which provides a unique environment for the survival, protection and development of children. It provides the physical, social and psychological development and teaches moral and cultural values to the child. Hence, it is in the family that children are socialised and nurtured. However, there were cases where, in line with African tradition of being their brothers' keepers, children stayed with relations or in-laws. In this respect they were considered as an integral part of the household. An alternative care like foster homes or orphanages was always considered as a last resort.

As elaborated in the report, parents guide and direct their children up to the age of 18. They provide them with the basic survival and development needs which include health care, good nutrition, education and general protection. They also inculcate in the children's moral principles, cultural values and good discipline. Traditionally, Africans love children. Consequently, it is part of the societal norm to provide for adequate upbringing of the child. In Nigeria, parents ensure the best interest of the child providing conditions of living necessary to the child's development. However, due to the socio-economic situation which makes parents seek a means of livelihood, adequate domestic care for the child had been greatly affected.

In Nigeria, when cases of separation occurred, the family court or formal court was relied upon to determine the custody of the child. In addition, the Matrimonial Causes Act of 1970 makes provision for the custody of the children in the event of separation. Section 71 (i) provides that in custody proceedings "the court shall regard the interest of the children as the paramount consideration". A maintenance obligation law in Nigeria guarantees a child's basic necessities. The social welfare office of the Federal Ministry of Health ensured that some assistance was rendered for the upkeep of the

children of needy parents. Philanthropists as well as the organised private sector also rendered some assistance.

The responsibility of providing for the child who had been deprived of a family environment would shift to members of his/her immediate family or in-laws. Communities sometimes took this as their responsibility while social welfare offices at local, State and federal levels came in to offer assistance. In the Nigerian context, child abuse is defined as any form of cruelty to a child's physical, moral or mental well-being. The criminal law imposes a duty on parents and guardians to provide and protect the child from abuse, neglect and abandonment. In conformity with article 21 of the Convention, Nigeria recognises the system of adoption which ensures the overall interest of the child. However, there was no uniform national adoption law; but some states had adoption laws while states which did not have them had foster laws.

It is an offence for a person to permit or cause to procure the possession of a child for the purposing of giving it to any person outside the State or outside Nigeria without the due process of law being taken into account. According to Nigeria's report, the National Health Policy was in line with articles 6, 18, 23, 24 and 27 of the Convention. The general goal of the policy was to bring about a comprehensive health-care system based on primary health care which was promotive, preventive, protective, restorative, rehabilitative and, especially, affordable to every citizen of the country. The various National Development Plans from 1961 to 1985 focused on the need for the survival and development of every citizen through the provision of comprehensive health-care services. However, following Nigeria's participation in the World Summit for Children and the OAU International Conference on Assistance to African Children in 1992 which adopted the Dakar Consensus, a National Plan of Action was developed. The plan was further reinforced by the Bamako Initiative which emphasised the availability of affordable health care for child survival, especially at the community level.

In addition, Nigeria formulated a National Population Policy. The goals of the policy were to improve the standards of living and quality of life of the people; to promote their health and welfare especially through preventing premature deaths and illness among high-risk groups of mothers and children, as well as to discourage pregnancies before the age of 18 and after 35 through nationwide family planning and child spacing campaigns; to achieve lower population growth rates by voluntary fertility regulation methods that were compatible with the attainment of the economic and social goals of the nation, and to achieve a more even distribution of population between urban and rural areas.

Strategies for achieving these goals were: Promotion of awareness among the population of the problem and the effects of rapid population growth on development; Provision of the necessary information and education on the value of reasonable family size; Education of all young people on population matters, sexual relationships, fertility regulation and family planning before entering the ages of marriage and child-bearing to assist them towards maintaining responsible family sizes; Provision, at affordable cost, of family planning means and services to all couples and individuals at the earliest possible time to enable them to regulate their fertility; Enhancement of integrated rural and urban development in order to improve the living conditions in the rural areas and to slow down the rate of migration from rural areas to cities.

The policy had raised acceptance of family planning. About 7.7 per cent of births in Nigeria come from girl children of 15-18 years and 0.1% from girls of 14 years and below. Population policy had created awareness of family planning from 6% in 1990 to 10% in 1994 while the awareness level has also increased from 43% in 1990 to 83% in 1992. In an effort to combat prevailing social prejudices against disabled children, the Government had established intervention/services to guarantee for them a conducive environment and opportunities for the total development of their capacities. In line with the fundamental objectives of Nigeria's Social Development Policy with regard

to rehabilitation, the Government had set up a special department in the new Ministry for Women's Affairs and Social Development and in its commitment to cater for the needs of disabled children, the Government had established rehabilitation/vocational centres, special schools for handicapped children and remand homes and borstal institutions.

In addition to providing free education for disabled children at the primary school level, the Government encouraged collaboration between the relevant ministries, especially those of health, education, social welfare and labour to ensure sound education, adequate health care, screening and referral services as well as after-school placement. Also in existence was a National Emergency Relief Agency, which provided relief materials to children in especially difficult circumstances. Non-governmental organisations, individuals and philanthropists complemented government efforts in the provision of services to disabled.

The thrust of the National Programme of Action for the Development and Protection of Children was to improve the standard of living and well-being of children and women in the country, through the institution of programmes that would increase their chances of growth and development. The envisaged programme objectives at the national level by the year 2000 were: To reduce the infant mortality rate from its current level of 75 to 60 per 1,000 live births; To reduce the under-five mortality rate from the present levels of 125 to 80 per 1,000 live births; and reduce the maternal mortality rate from the current level of 12 to 9 per 1,000 live births. Others include reduction of moderate and severe malnutrition among under-fives from 24% and 22%, respectively, to 12% and (?)* per cent; reduction of the percentage live births with low birth weights (below 2.5 kg) from current levels of 18% to 10%; provision of universal access to safe drinking water from the current coverage levels of 50.35 and 30% respectively, of urban, semi-urban, and rural populations; and raise availability of sanitary means of human waste disposal to all citizens above the current access levels of 40% in urban, 30% in semi-urban and 25% in rural populations.

A tabular presentation of the proposed natural programme goals in the field of health was reported as being available for consultation in the files of the Centre for the Rights. These were provided at national, state and local government levels. Also, non-governmental organisations and private individuals were involved in the provision of child-care services facilities, particularly in the area of day-care centres and crèches. Women Development Centres were established as units within State Women Commissions. These centres provide maternal and child care for their immediate communities in the form of day-care centres and pre and postnatal facilities. In addition, the Early Child Care and Development Programme was entrenched in the curriculum of day-care centres in the country, with the objective of stimulating model health-care approaches for infants and young pre-schoolers residing in rural and urban areas. Employers were encouraged to provide the services to improve productivity and boost breast-feeding.

To improve the overall standard of living which had been negatively affected by the prevailing socio-economic conditions, the Federal Government, in collaboration with donor agencies, introduced the Household Food Security Programme to make food available and affordable at the family level. The current Family Support Programme was also geared towards enhancing the overall standard of living of the Nigerian family. As far as child care and development was concerned, the programme envisaged the following: Promotion of the production of baby foods especially from locally available farm produce such as soya beans, maize, guinea corn, millet, beans, groundnut and palm oil that will serve as alternatives to imported foods which were sometimes unaffordable; Promotion of proper food and nutritional education to further enhance the acceptability of such locally sourced child supplements. Related to this was the development of a coherent sustainable food and nutrition policy

that would facilitate local production; Emphasising the promotion of the manufacturing of vitamin A-enriched products to offset the incidence of low birth weights and provide nutritional supplements such as vitamin A to combat blindness and anaemia, as well as salt iodisation and distribution of iodine capsules to eliminate Iodine Deficiency Disorders (IDD).

As reported, in Nigeria, parents and governments bear the heaviest responsibility for the education of children. For example, primary school education is free in all government schools while secondary schools are heavily subsidised. This is in line with Section 18, subsections 1 and 3, of the Constitution which guarantees education as a right for every Nigerian child. In realisation of the importance of science and technology, the National Policy on Education states that education will be used as an instrument for scientific, technological and cultural development of the society. Two main policy documents spell out the basic guidelines for the realisation of educational objectives in Nigeria. These are the National policy on Education and the National Policy on Science and Technology.

The National Council on Education made it mandatory that policy provisions for the education of children be implemented simultaneously at federal, state and local government levels. Subsequently, the following strategies were adopted: In collaboration with relevant donor agencies such as UNICEF, UNESCO and educational institutions, the early childhood education project was launched. The project focuses mainly on the establishment of day-care centres to stimulate model health-care approaches for infants and young pre-schoolers residing in rural and urban areas. The programme's orientation is informal, low-cost, community based and targeted at families of less than average means. Baseline surveys have also been conducted to assess the needs and aspirations of the recipients, and the feasibility of the pilot programme.

Curriculum guidelines have been developed for early childhood education with pilot testing conducted to determine its relevance, adequacy and appropriateness. Monitoring mechanisms exist for supervising and inspecting nursery schools in order to ensure compliance to set standards. To arrest deteriorating trends and avoid eventual collapse of primary education, the National Primary Education Commission has been set up. Budgetary allocations have also been made to ensure continuity in the development of primary education, especially in terms of facilities, equipment and personnel management.

A World Bank-assisted primary education project covering a period of six years (1991-1996) has been put in place. Major schemes expected to be implemented include: Training of about 400,000 education personnel for primary schools; Provision of textbooks in five basic subjects and the creation of a permanent textbooks fund; Research, especially in critical areas such as national assessment of achievements and use of the local environment; Data/information management with emphasis on primary education. Within the context of renewed commitment to the provision of basic education for all, a solid foundation is being laid for free and compulsory basic education for nine years, covering primary and junior secondary education respectively.

The thrust of the commitment includes: Ensuring that all six-year-old children are enrolled in primary schools and emphasising enrolment and retention of all children; Ensuring a 100 per cent transition from primary to junior secondary level; Contributing to a massive reduction of the illiteracy and drop-out rate by making basic education free and compulsory for children and by increasing the number of years of schooling for them; Imparting the rudiments of employment-creating skills at the junior secondary level where technical and vocational education is emphasised; Enhancing initial training by contributing to the personal development of children and youth; and Ensuring emphasis on girl-child education, especially with the setting up of task forces on the education of the girl child.

The Government's resolve to provide education for all children was said to have led to the establishment of a National Commission for Nomadic Education that would take care of the education

of children of nomads and migrant fishermen. Budgetary allocations have been made to provide trained teachers and equipment to facilitate education for children of nomads and migrant fishermen. In addition, baseline studies are in progress to provide the necessary research data for the take-off of a "schools in boats" programme, specifically for children of fishermen in the riverine areas of the country.

The Report stated that, to provide education for the physically and mentally handicapped as well as the gifted children, the Government has continued to fund and sustain special education in the country. In addition, the Federal Government has liberalised the establishment of special schools. It was reported that this was based on basic education statistics and trends in Nigeria. The following goals for the enrolment and growth rate of basic education for children in Nigeria by the end of the decade had been approved by the Government: A one-third reduction in the gap between 1990 primary school enrolment of 68.72% and the year 2000 target of 80%, during which a 72.4% gross enrolment rate was expected to be achieved by the end of 1995. Given the 1992 gross enrolment rate of 70.2%, it was envisaged that by the end of 1995, the projected minimum enrolment rate of 72.4% for primary school-age children would be attained; A minimum of 46.8% in girls' enrolment rate is required by 1995 in order to reduce the gender disparity by one third of its 1990 level. The trend showed that girls' enrolment is projected to be no more than 45-50 per cent for 1995 (1993 estimate).

This meant that although girls' enrolment rate improved marginally, the improvement was not sufficient to achieve the required one-third reduction in the gender disparity by 1995. In other words, by the year 2000 the gender disparity would not have been reduced to zero, but realistically could be narrowed to at least a 2% point of difference between the sexes from its 1990 level of 10%. Given the prevailing trends, Nigeria would attain the 80% enrolment level for all children of primary school age by the year 2000. This would meet the estimated target.

The attainment of the goals for the achievement of education for all in Nigeria is affected, ipso facto, by the following constraints: uneven distribution of schools in the country; Inadequate educational facilities; Religious and cultural constraints relating to early marriage that led to high drop-out rate for girls and trading for boys. The Report referred to Article XII of the Constitution, which in conformity with the Convention, specified that leisure implies activities and situations which enable the child to rest and engage in play as well as in recreational activities appropriate to his/her age and to participate freely in culturally relevant activities. Since culture variations exist in Nigeria, and leisure activities for children do vary from one part of the country to another. However, the educational system in Nigeria is liberally laced with leisure-related activities for children.

It was stated that in line with this, pre-primary and primary school curricula in Nigeria contain aspects of recreation for children. At the pre-primary education level, the curriculum is largely based on leisure activities for children aged three to six years and the teaching methodology is "play and learn". Hence, standards were set for recreational activities in pre-primary school which themselves were largely operated by private proprietors. At the primary school level, the curriculum incorporates leisure activities in the learning process of children. Such activities include arts and crafts, gardening, fishing and games. Physical education in all schools is emphasised. Outside the school systems, the annual children's parley with the First Lady of the Federal Republic of Nigeria, children's holiday camp and inter-state exchange programmes had become regular features in sensitising the general public to the rights of the child to leisure and recreation. Children's concerts, drama and debates are also beginning to feature prominently on national media programmes (i.e., network radio and television). Consequently, there had been increased awareness regarding the efficacy of leisure activities for realising the latent creative potentials of children. This was evidenced by the willingness of parents to allow their children to participate in such concerts nationwide. Children in the countryside were

also mainly engaged in leisure activities in the form of cultural festivities and religious activities particularly on specified days for such celebrations.

The Report stressed that Nigeria is a culturally diverse country and that a cultural policy on education exists in the country which stipulates culturally relevant school activities for children of school age. The learning of local crafts and traditional cooking now feature prominently in the school curriculum. The use of the mother tongue for teaching and learning is also encouraged. Within the context of the World Decade for Cultural Development, the Government had articulated its educational plans and priorities toward enhancing cultural preservation for the benefit of children.

Based on the Cultural Policy on Education, the following activities were articulated to foster the education and training of children: Development of educational activities for children and youths in Nigerian museums; Documentation of Nigerian folklore resources to be developed into pamphlets for Nigerian children; Annual cultural exhibitions and competitions between primary and secondary schoolchildren at zonal and national levels; Establishment of 60 unity secondary schools which attract children from diverse ethnic groups across the country. The importance of unity schools lies more in the fact that primary and secondary level schools are not strictly controlled by the central Government, and hence a need exists for children from differing ethnic and cultural backgrounds to come together in the same environment to foster national unity and understanding; Mandatory basic education in the mother tongue during pre-primary school and the first three years of primary education. In addition, students are expected to study one Nigerian language other than their mother tongue at junior and secondary level.

According to the Report, the economic situation in the country, arising mostly from the effects of the structural adjustment programme, the high rate of urbanisation and the resultant breakdown in the extended family system, had resulted in an unprecedented increase in the number of children in especially difficult circumstances (CEDC). There are basically three categories of CEDC in Nigeria. These included: Children who engaged in hawking wares, load carrying, car washing, shoe shining, petty trading, refuse clearing, begging, prostitution, etc.; Children endangered by abuse and neglect. These included disabled children, sexually abused female children, children of prostitutes living with their mothers in brothels, children of community outcasts, children of mentally unstable mothers, immigrant children and those lured into early marriage; as well as Children in situations of conflict and disasters. These were refugee children who may be neglected, stereotyped or abandoned following natural, political, ethnic or religious crises which may occur from time to time in Nigeria.

It was reported that there was a National Commission for Refugees in the Presidency and a National Emergency Relief Agency as well as several non-governmental organisations which work towards protection and assistance to refugee children. Children do not take part directly in hostilities, nor is anybody under 15 years of old recruited into the armed forces. In times of conflict, the protection of the child is paramount, especially as it is expected that the lineage will continue through them. The Report referred to section 30 of the Criminal Code which states that any person under the age of 7 years is not criminally responsible for any act or omission. It stressed that any person under the age of 12 years is not criminally responsible for any act or omission unless it is proved that at the time of doing the act or making the omission, he had the capacity to know that he ought not to do the act or make the omission. However, the draft decree had dropped reference to the age of liability but various mechanisms and institutions had been provided to assist any child who infringed the law to be re-socialised.

In every criminal trial involving children therefore, it was guaranteed that: A child charged with an offence was presumed innocent until proven guilty according to the law; The child or his parents/guardian is promptly informed of the charges against him/her and was entitled to a defence; A criminal trial could only be determined by a competent, independent and impartial judicial body

according to the rules of natural justice and under conditions of the best interest of the child; A child could not be compelled to confess guilt and, in his defence, witnesses may be examined; Except for decisions at the Armed Robbery Tribunal, decisions of other criminal courts may be appealed against to a higher court; An interpreter would be provided where the child could not understand or speak the English language; The parents or guardian may attend if they so wished or if they were compelled by the court.

As stated, children over 12 years old may be sentenced by deprivation of their liberty in established remand homes or other such institution or schools approved by the Minister for this purpose. No child could be ordered to be imprisoned if below 12 years and where he was above 14 years, he may be ordered to be imprisoned only if the court was of the opinion that he could not be suitably dealt with in any other way. Such imprisoned child would not be allowed to associate with adult prisoners.

Where a child was found guilty of committing an offence, the following were the methods which the court may consider for dealing with such a child: Dismiss the charge; Discharge the offender upon his entering into a recognisance; Commit the offender by a mandate to the care of a fit person; Commit the offender by a mandate to an approved institution; Order parent or guardian to pay fine, damages, cost, or to give security; Commit the offender to custody in a place of detention for a period not exceeding six months; Order him to be imprisoned, if over 14 years, after Borstal training.

According to the report, the Labour Act protects the child from being employed under exploitative circumstances or circumstances that may be injurious to his health. Unfortunately, socio-cultural and economic factors had compelled a large proportion to participate in economic activities. Special attention was being targeted at children by the National Drug Law Enforcement Agency. Guidance and counselling experts were at work to rehabilitate children who had already "experimented" with drugs and other education programmes were carried out to stop other children from falling victim. Drug-free clubs were in existence in many secondary schools. The Criminal Code prohibits the sexual assault or indecent assault of children, both male and female. Society also views with extreme disgust anybody known to assault children sexually. However, cases existed where girls at puberty were deemed to be ready for marriage and were married off by their parents. The law of rape, however, recognised 16 years as being the age of sexual consent. Several enlightenment programmes were on to discourage child marriages.

Children were sometimes used for begging for alms. This practice had been heavily criticised and measures were being taken to discourage the practice. The Criminal Code prohibits the sale of a child, trafficking of a child or the abduction of a child. Section 39 of the 1979 Constitution grants a child the rights to freedom from discrimination on grounds of age, sex, disability, ethnic group, community, religion or political opinion.

10.2 Concluding Observations on Nigeria's Initial Report

The Committee considered the initial report of Nigeria at its 321st to 323rd meetings held on 26 and 27 September 1996 and, at the 343rd meeting, held on 11 October 1996, adopted the observations that follow in the succeeding paragraphs. The Committee expressed its appreciation to the State party for sending a high-level delegation to discuss the report. The Committee noted that the report, although following the thematic structure for reporting set out in the general guidelines, was incomplete in its appreciation of the situation of children throughout the country. The Committee emphasised that the purpose of reporting is to indicate not only the measures adopted but also the progress made since the entry into force of the Convention and priorities identified for action, as well as the difficulties encountered in guaranteeing the rights provided for in the Convention.

HUMAN RIGHTS INDEX

The Committee welcomed the establishment of the National Human Rights Commission. It also took note of the establishment in 1994 of the Child Rights Implementation Committee, *inter alia* to:

- Ensure the popularisation of the Convention on the Rights of the Child and the OAU Charter on the Rights and Welfare of Children;
- Review continuously the state of implementation of the Convention;
- Develop specific programmes and projects that will enhance the status of the Nigerian child;
- Collect and collate data on the implementation of the rights of the child; and
- Prepare and submit reports on the implementation of children's rights for the United Nations and the Organisation of African Unity.

The Committee noted that the Government of Nigeria prepared a national plan of action in response to the recommendations and goals enunciated in the Declaration and Plan of Action adopted by the World Summit for Children in September 1990. The Committee appreciated the importance attached by the State party to improving the status and situation of women and the positive role this can play in contributing to the measures required to address the problems facing children in general and the girl child, in particular. The Committee recognised that the situation in Nigeria was characterised by particular economic and socio-cultural complexities. It noted that Nigeria is the most populated African country and that it is multi-ethnic in composition with over 250 ethnic groups which have diverse cultures and languages. It was additionally noted that the persistence of certain harmful traditional practices and customs had had a negative bearing on the enjoyment of the rights guaranteed under the Convention.

The Committee expressed its deep concern that the rights of the child as provided for in the Convention were yet to be invested with effective legal status in Nigeria as the draft children's decree remained to be finalised and adopted. The Committee, while noting the very positive development represented by the drafting and revision of a children's decree, expressed its regret that a copy of the draft decree in its entirety was not made available to the Committee. The lack of such enabling legislation raised serious doubts as to the priority previously given to the rights of the child in Nigeria. The Committee raised these points in the light of the conclusion it reached on examining the State party's report and its dialogue with the delegation after observing that certain legislations currently in force in Nigeria in relation to the rights of the child were not in conformity with various articles of the Convention, including article 1.

The Committee was concerned about the incompatibility of customary law and laws passed at the regional and local levels and their application with the principles and provisions of the Convention. It noted with concern the apparent absence of adequate mechanisms for the determination of appropriate indicators as well as for the collection of statistical data and other information on the status of children for use as bases for designing programmes to implement the Convention. With respect to the implementation of various principles and provisions of the Convention, in particular those set out in its articles 3 and 4, the Committee was concerned that the impact of economic policy, as at present designed and pursued, might have led the Government to resort, on a more regular basis than it would wish, to temporary ad hoc funding measures to cover significant shortfalls in income for the realisation of particular programmatic objectives.

The Committee was concerned about the gap between the country's gross national product and the insufficiency of resources being made available for the implementation of the rights of the child, in particular in the areas of primary health care, primary education and other social services as well as the protection of the most disadvantaged groups of children. The Committee was equally concerned about the effectiveness of measures at present in place to give priority to projects for the implementation of the rights of the child, as well as to reduce any disparities between and within regions as regards the availability of resources for the realisation of such projects. It observed that considerable progress was still required towards ensuring that all adults and children were aware of

the rights of the child as contained in the Convention. The Committee was also concerned over the lack of training and education about the Convention for individuals working with or for children, such as police officers, chiefs of police, staff in institutions where children were detained, leaders at the community and ward levels and other government officials, as well as judges, lawyers, teachers, health workers and social workers.

The Committee further expressed concern that the general principles of the Convention, as laid down in its articles 2, 3, 6 and 12, were not being applied and duly integrated into the implementation of all articles of the Convention. It also noted the status and situation of girl children and the insufficient measures taken to prevent and combat discrimination practised against them. Of equal concern to the Committee was the apparent absence of pro-active measures to combat discrimination against disabled children, children belonging to ethnic minorities and children born out of wedlock. In the light of the provisions of article 3 of the Convention, the Committee was of the view that the Government had not yet fully developed a procedure to ensure that the "best interests of the child" guide the decision-making process. It directed that the impact of various policy options on the enjoyment of the rights of the child should form an integral part of this process.

It was the Committee's view that traditional attitudes concerning the role children should play in the family, school, community and society in general may be frustrating efforts to achieve the fuller participation of children, as envisaged in articles 12 and 13 of the Convention. The persistence of early marriage, child betrothals, and discrimination in inheritance, widowhood practices and other harmful traditional norms were practicing the Committee found incompatible with the principles and provisions of the Convention. Of particular concern to it was the continuation of the practice of female genital mutilation; although measures were being taken to address this practice, the Committee was of the view that they were insufficient. The problems of violence against children and the physical abuse of children in the family, in schools, in the community and in society were also of major concern to the Committee.

The Committee viewed the trend of rising child mortality rates with deep concern. Despite the Government's stated policy of supporting primary health care programmes over those providing curative health care, the Committee rated the access to quality health care services as unsatisfactory. Equally, the effectiveness of measures undertaken to avoid regional variations in the provision of health care services and medical supplies remained a cause of concern to the Committee. The Committee was also concerned about the problems encountered in providing access to safe water. In view of the considerable incidence of poverty in the country and the insufficiency of the minimum wage in meeting basic needs, the Committee viewed the absence of social support to families, including single-parent families, especially female-headed households, as a matter of grave concern.

However, it welcomed the State party's recognition of the importance of promoting education for all as a tool to improve the situation of children, especially girl children although it remained concerned about the effectiveness of measures being taken to harmonise policy priorities in this area with adequate budgetary allocations. The Committee expressed regret that insufficient measures were being taken to address the problems of child abuse, including sexual abuse, and the sale and trafficking of children, child prostitution and child pornography. It was the view of the Committee that current legislation with regard to the administration of juvenile justice and the institutionalisation of children did not appear to conform to the principles and provisions of the Convention. In this regard, it found the provisions of national legislation which permitted sentencing to capital punishment incompatible with the provisions of Article 37 (a) of the Convention.

The Committee was also concerned that the provisions of national legislation by which a child may be detained "at Her Majesty's Pleasure" may permit the indiscriminate sentencing of children for indeterminate periods. Furthermore, the Committee was worried about the provisions of national

legislation which provided for the detention of children assessed to be "beyond parental control". The possibility that abandoned children or children living and/or working on the street would have such measures applied against them was of special concern to the Committee. It was the view of the Committee that these legislative measures did not appear to be compatible with the provisions of article 37 (b) of the Convention, which states that the arrest, detention or imprisonment of a child shall only be used as a measure of last resort and for the shortest appropriate period of time. Equally, the Committee was concerned about the application in practice of the provisions of Section 3 of the Children and Persons Law might lead to the arbitrary detention of children, which was incompatible with the provisions and principles of the Convention.

The Committee noted with grave concern the low age of criminal responsibility for children in Nigeria at the time of the report (seven years of age), and that children even under the age of seven might be brought before the courts. The Committee was also greatly concerned about the adequacy of safeguards for all children brought before the courts, as this conflicts with the requirements under article 40 of the Convention. Moreover, the Committee was gravely concerned about the conditions in places of detention for children, especially with regard to children's access to their parents, the medical services and educational programmes offered and the services in place to facilitate the recovery and rehabilitation of children. It was equally concerned about the inappropriateness and ineffectiveness of measures for the supervision and monitoring of the situation of children in detention, including for dealing with children's complaints of abuse or ill-treatment, and the lack of measures to ensure that these complaints were addressed in a serious and expeditious manner.

Furthermore, the Committee was deeply alarmed that the necessary safeguards against the excessive use of force by law enforcement officials or anyone else acting in this capacity were undermined by the provisions of section 73 of the Criminal Code. This might give rise to the violation of children's rights, including their right to life, and lead to impunity for the perpetrators of such violations. Therefore, it was the view of the Committee that the above-mentioned provisions of the Nigerian Criminal Code were incompatible with the principles and provisions of the Convention. The Committee was of the view that insufficient measures had been taken for the implementation of Article 32 of the Convention to prevent and combat the economic exploitation of children.

10.3 Suggestions and Recommendations

The Committee recommended that the Government considered, on an urgent basis, the adoption of the children's decree, drafted in conformity with the principles and provisions of the Convention. The Committee welcomed the willingness of the delegation of the State party to provide the Committee with information regarding progress in relation to the draft children's decree and to submit to the Committee, as soon as possible, a copy of the full text of the draft decree. It also recommended that the State party, in undertaking a comprehensive review of the national legal framework and its conformity with the principles and provisions of the Convention account, should also take into account the compatibility of the system of customary law and regional and local laws with the articles of the Convention.

The Committee strongly recommended that the Government consider the possibility of reviewing the effectiveness of measures being taken to implement the provisions of article 4 of the Convention in respect of the allocation of resources to the maximum extent possible for the implementation of the economic, social and cultural rights of the child. It was further suggested that such a review should be undertaken in the light of the priorities for the implementation of the Convention identified during the discussion of the report of Nigeria. The Committee appreciated the willingness of the State party to undertake further measures to ensure that effective mechanisms were put in place for the implementation and monitoring of the Convention at all levels of government including the ward level, through the mandate given to the Ministry of Women Affairs and Social Development. It noted

that the task of cooperating and coordinating with other mechanisms at different levels with regard to the monitoring of the implementation of the rights of the child is a challenging one and expressed the hope that further discussions within government circles and throughout the various levels of government on how best to achieve the priority objectives be urgently undertaken.

The Committee also shared the view of the State party that effective education and awareness raising among all children concerning their rights should be undertaken and that the extent of awareness of the rights of the child among children and adults should be evaluated. The Committee suggested that such an awareness-raising programme should be extended to all adults and professionals working with or for children and recommended that priority be given to the development of mechanisms for collecting statistical data and indicators disaggregated by gender, and rural/urban and ethnic origin as the bases for designing programmes for children.

It was the Committee's view that further efforts be made to ensure that the general principles of the Convention, in particular "the best interests of the child" and the participation of children, not only guide policy discussions and formulation, and decision-making, but are also integrated into the development and implementation of all projects and programmes. The Committee emphasised that the general lack of financial resources could not be used as a justification for neglecting to establish social security programmes and social safety nets to protect the most vulnerable groups of children. Accordingly, it was the opinion of the Committee that a serious review should be undertaken to determine the consistency of the economic and social policies being developed with the State party's obligations under the Convention, in particular articles 26 and 27, especially with respect to the establishment or improvement of social security programmes and other social protection.

The Committee recommended that as high priority, further measures be undertaken to prevent and combat discrimination, especially on the grounds of gender and ethnic origin, and differential access to services between the rural and urban population. While acknowledging the State party's commitment to evaluating the effectiveness of policy implementation for disabled children, the Committee recommended that such policy should be reviewed to ensure that it reflects the general principles of the Convention, particularly as regards preventing and combating discrimination against disabled children.

The Committee shared the view of the State party that major efforts were required to address harmful practices such as early marriage, betrothal of children, female genital mutilation and abuse of children in the family. The Committee recommended that all legislation should be reviewed to ensure their compatibility with the eradication of such violations of children's rights and that campaigns be developed and pursued with the involvement of all sectors of society with a view to changing attitudes in the country over the acceptance of harmful practices. With regard to female genital mutilation, it directed that all action necessary to eradicate this violation of children's rights must be taken as a matter of priority. Public awareness and information campaigns must support education and advice on other family matters, including equal parental responsibilities and family planning in order to foster good family practices in line with the principles and provisions of the Convention.

The Committee recommended that the State party urgently improve upon access to and the quality of primary health care services. Major efforts, the Committee further warned, were required immediately to ensure the equal distribution of health services and medical supplies between and within regions. It also encouraged the State party in its efforts to harmonise the informal and formal education systems, particularly with respect to the application of a national curriculum within all schools and urged that further steps be taken to develop guidelines for the participation of all children in the life of the school in conformity with the principles and provisions of the Convention. The Committee encouraged the Government to implement measures to improve school enrolment and

school retention, especially for girls and recommended that a system for the regular evaluation of the effectiveness of these and other educational measures be ensured. It also directed that, measures must be taken to ensure that discipline in school is administered in conformity with the provisions of article 28, paragraph 2 of the Convention. In addition, it recommended that, in the light of the provisions of Article 29 of the Convention and the United Nations Decade for Human Rights Education, the State party incorporate education on the rights of the child in school curricula, paying special attention to promoting tolerance among all peoples and groups. The State party considered requesting further international cooperation for the implementation of the measures identified for the application of the provisions of articles 28 and 29 of the Convention.

The Committee recommended that national legislation be brought into conformity with the provisions of articles 37, 39 and 40 of the Convention. National legislations were to comply with the principle that capital punishment cannot be applied to children under the age of 18. The Committee also recommended that article 73 of the Criminal Code be abrogated and section 3 of Children and Young Persons Law be reviewed as to its conformity with the Convention. The Committee welcomed the information provided by the State party that the new draft children's decree will set the age limit for criminal responsibility at 18. However, in view of the clarification provided regarding the system to be set in place, the Committee wished to emphasize that the legal safeguards provided for in the relevant principles and provisions of the Convention, including those of Article 40, must be provided to all children, whether the deprivation of their liberty results from the application of welfare or a criminal procedure.

It was also the view of the Committee that the best interests of the child should prevail in proceedings concerning child victims of parental abuse, especially in deciding whether parents have the right to represent their child in such cases. Finally, the Committee emphasized that the Convention requires that detention be a measure of last resort and for the shortest appropriate period of time. The institutionalisation and detention of children must be avoided as much as possible and alternatives to such practices must be developed and implemented. The Committee recommended that measures be taken to establish an independent system for monitoring the situation of children in detention, whether in prisons or welfare institutions.

In view of the various concerns raised by the Committee with respect to the implementation of article 32 of the Convention, it wished to highlight the importance of the State party ensuring that all children have access to health care, that education is made compulsory as a measure to prevent the economic exploitation of children and that further measures should be undertaken to combat exploitation, such as that of child domestic workers, including legislative measures to ensure the effective protection of the child against the performance of any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or full and harmonious development.

In light of articles 34 and 35 of the Convention, the Committee encouraged the State party in its efforts to follow up at both the national and regional levels on the measures required to prevent and combat the sexual exploitation of children. The Committee recommended that further measures be taken with a view to ensuring the physical and psychological recovery and rehabilitation of the child victims of abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention. The Committee recommended that the State party make widely available to the public its report, the records of the discussion of that report in the Committee and the concluding observations adopted by the Committee.

10.4 Second Periodic Report of Nigeria

Nigeria's second periodic report on CRC was due on 18 May 1998 but was submitted on 01 September 2004. The second periodic report reaffirmed that Nigeria is a signatory to both the

Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The Convention on the Rights of the Child was ratified by the Federal Government of Nigeria (FGN) in 1991.

As reported, in October 1994, the FGN inaugurated the National Child Rights Implementation Committee (NCRIC) with a charge to popularise the two Conventions. The NCRIC was subsequently decentralised to State and local government levels. In September 2000, Nigeria became one of the first African countries to sign the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and also the Optional Protocol on the involvement of children in armed conflict.

The NCRIC submitted the initial report under article 44 on the implementation of the provisions of the Convention in 1995 and defended it in 1996. The first progress report was due for submission in 2000 and was at the last stages of preparation. The main issues highlighted or in the first report included: The disadvantaged position of the girl child; establishment of the Family Support Programme; establishment of a mechanism for effective sensitisation of the public on the rights of the child; constraints on child rights implementation, which were grouped under socio-cultural and traditional practices as well as economic and political factors.

It was remarked, that following the Nigerian submission, the Committee on the Rights of the Child commended the establishment of both the National Human Rights Commission and the National Child Rights Implementation Committee and issued the following important observations: The persistence of certain harmful traditional practices and customs that had had negative bearing on the enjoyment of the rights guaranteed under the Convention; The apparent absence of pro-active measures to combat discrimination against disabled children, children belonging to ethnic minorities and children born out of wedlock; The problems of violence against children and the physical abuse of children in the family, in schools, in the community and in society; and The non-recognition of social support to families, especially female-headed single-parent households. Indeed, the humiliating experience of female single parents heads of households often compelled such women to falsify their marital status in order to have access to basic services; Current legislation with regard to the administration of juvenile justice and institutionalisation of children does not appear to conform to the principle and provisions of the Convention; The low age of criminal responsibility for children in Nigeria put at 7 years, was a serious concern to the Committee, especially as children even under the age of 7 years could be brought before the courts.

As reported, these concluding observations had been noted by Government and were highlighted in the report in order to provide the context for reviewing progress made by Nigeria at the end of the decade. According to the report, as a demonstration of its commitment to the implementation of the Convention, Nigeria took the necessary steps to fulfil the requirements of paragraphs 34 and 35 of the World Summit Plan of Action by preparing a National Plan of Action (NPA) which detailed activities to be implemented towards the attainment of the set goals. The NPA also acted as a catalyst for the preparation of plans of action by the lower tiers of Government at state and local government levels.

The support of the mass media was won towards supporting the provisions of the Convention. Following the statement of commitment signed in 1992, various media messages on the provisions of the Convention are being regularly featured on radio and television, and in magazines and newspapers. The provisions of the Convention had been simplified and translated into the three major Nigerian languages. The African Charter on the Rights and Welfare of the Child had been ratified. The country endeavoured to establish mechanisms for the regular collection, analysis and publication of data required to monitor relevant social indicators relating to the well-being of children and which record the progress being made towards the goals set forth in the NPA. As at the time of submitting the second periodic report, four major surveys had been conducted in the 1990s. There

were three major surveys in the 1990s – the National Demographic and Health Survey (NDHS) 1990, the Multiple Indicator Cluster Survey (MICS) 1995, and the Multiple Indicator Cluster Survey (MICS) 1999. Each of these surveys collected data on a wide number of indicators from a nationally representative sample of households. A fourth survey, the NDHS 1999, had just been published at the time of preparation of the report. These were supplemented with data from other sources, including specialised surveys such as the HIV/AIDS sentinel site Seroprevalence Survey and Active Routine Surveillance Reports, for example, of cases of Guinea worm.

The country re-examined its status of emergency preparedness. Agencies like the National Refugees Commission (NRC), National Emergency Management Agency (NEMA) and the new Ministry of Cooperation and Integration in Africa alongside several United Nations agencies and NGOs were taking up the challenges posed by emergencies. The United Nations agencies responded in two dimensions: (i) a United Nations working group on emergency preparedness and response has been established; and (ii) the United Nations agencies responded practically during the Kaduna communal crises and the fire disasters in the Niger Delta.

The FGN had continued to enjoy the cooperation and collaboration of all relevant United Nations agencies and organs as well as other international institutions in ensuring the achievement of the goals and objectives of the NPA. Such support proved invaluable in various areas, including the preparation of the NPA in 1992, the consolidated analysis of the plans of action and their regular monitoring and evaluation, organisation for review and meetings towards the achievement of set goals, the provision of expert advice, the conduct of national surveys and the preparation of the EDR report.

The National Commission for Women (NCW), which was established in 1989 and replicated at the State and local government levels, inaugurated a National Working Committee on Child Welfare in March 1993. In recognition of the increased pressure for the implementation of various Economic and Social Council resolutions and United Nations conventions, the NCW was upgraded to the Ministry of Women's Affairs and Social Development in 1995. The Department of Child Development was now located within the Ministry and was largely responsible for the implementation and monitoring of the provisions of the Convention.

Other avenues to publicise issues concerning the Convention by government agencies included the following: The establishment of the Child Rights Information Bureau (CRIB) in the Ministry of Information. The CRIB, in cooperation with the NCRIC, publishes the Progress of the Nigerian Child (PONC) with data from the Federal Office of Statistics. The PONC was a Nigerian version of the State of the World's Children published by UNICEF; The formation of child rights clubs in schools; The establishment of regional monitoring centres for child rights violations by the African Network on the Prevention and Protection against Child Abuse and Neglect in Nigeria (ANPPCAN); The celebration of annual events such as Children's Day (27 May), National Youth Day (12 August), the Day of the African Child (16 June), International Women's Day, and the Day of the Family. These usually provided opportunities for advocacy and awareness campaigns. The events were also utilised for media dialogue between media houses/practitioners and relevant government ministries/ agencies in order to raise awareness of the provisions of the Convention; and Regular workshops organised by the Federal Ministry of Women's Affairs and Youth Development for policymakers on the provisions of the Convention and its implementation. In October 2000, the Senate held a public hearing on the state of promotion and protection of human rights in Nigeria, including child's rights and the rights of women; while the National Human Rights Commission held a seminar on "Appraisal of International Human Rights instruments" in November 2002.

As reported, in 1991, Nigeria ratified the Convention on the Rights of the Child without any reservations, so the issue of maintaining or an intention of withdrawing the reservation did not arise.

The Report stated that since 1993, there had been a draft Children's Decree, which under the democratic dispensation was a draft Children's Bill. The bill reached the National Assembly, having been adopted by the Federal Executive Council, and it was hoped that it would soon be signed into law. The draft bill took into consideration the provisions of the Convention and as such the rights guaranteed in the Convention were well articulated in the draft bill.

Furthermore, as reported, some States on their own promulgated laws that protect children. For example, a bill was passed by the Ebonyi State Government to ensure that children were not withdrawn from school. In Anambra State, a bill was also passed making it an offence for any child of school age to hawk during school hours, while the Edo State House of Assembly passed a bill banning prostitution in Edo State. The States of Niger and Sokoto also had bills discouraging the withdrawal of girls from schools.

In addition, several motions and bills had been receiving concluding attention at the National Assembly. For example, Mrs. Adeyemi of the Ile-Oluji constituency of Oyo State sponsored a bill on female genital mutilation. Chief Mrs. Titilayo Ajanaku, the Special Adviser to the President on Women Affairs, sponsored a bill making child marriage an offence, and the wife of the then Vice-President, Mrs. Titi Abubakar, submitted a bill against child labour, trafficking, prostitution and sex trade in girls. Though the draft bills were not signed into law at the time of the report, the initiative taken by the State and some influential individuals were in consonance with the provisions of the Convention.

Other relevant State legislation documented at the time of the report included: The Edo and Delta State laws prohibiting female circumcision. In Edo State the law was cited as Female Circumcision and Genital Mutilation (Prohibition) Law 1999. Offenders included those who perform the operation. The punishment is a fine of up to N 1,000 or 6 months' imprisonment; The Girl-Child Marriage and Female Circumcision (Prohibition) Law 2000 of Cross River State. This law sought to prohibit some harmful traditional practices against women and girls that were prevalent in the communities in the State. Others were:

- (a) A law abolishing female circumcision and practices connected thereto enacted into law by the Rivers State House of Assembly; Ebonyi and Akwa Ibom States had bills before their respective Houses of Assembly on the abolition of harmful traditional practices against women and children as well as on female genital mutilation, early marriage, etc.;
- (b) Kebbi State law banning street hawking by girls of school age in the State; and
- (c) Sokoto State law banning begging, and the task force set up in Rivers State to get children off the street during school hours was in place.

With regard to the status of the Convention in domestic law, the Report pointed out that section 12 (i) of the Constitution of the Federal Republic of Nigeria 1999, provides that "no treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly". The report remarked, that from this, it was obvious that since the Convention had not been incorporated into domestic law, it had no status in the country. However, the National Assembly, by virtue of section 12 (2) of the Constitution, may make laws for the Federation or any part thereof with respect to matters not included in the Exclusive Legislative List for the purpose of implementing a treaty.

Thus, a bill for all acts of the National Assembly passed pursuant to the provisions of section 12 (2) of the Constitution shall not be presented to the President for assent, and shall not be enacted unless it is ratified by a majority of all the Houses of Assembly in the Federation. Therefore, all that was required was to propose a bill that would transform the Convention into domestic law, as was usual with treaties already signed and ratified by the country. This mode would be easier than signing into law a draft Children's Bill.

At the time of the second periodic report, the Bill on Female Genital Mutilation had gone through the lower house and would need to go through the upper house before the President could sign it into law. Furthermore, it was stated that the President of the Federal Republic of Nigeria signed, on 7 September 2000, the two Optional Protocols to the Convention. The Report stressed that the African Charter had been ratified by the Government and the relevant agencies were following up with the implementation. Also, the Bill on Child Trafficking, Child Labour, Child Pornography and Sex Trade in Girls, sponsored by Mrs. Titi Abubakar, had passed the second reading and was about to be passed by the lower House of the National Assembly.

The Report cited *Mojekwu vs. Mojekwu* 1997, a case of inheritance in the Nnewi culture of Anambra State, Nigeria, the home State of the parties to the suit, where the court of appeal held that a girl child who is a direct offspring of a man who dies without male issue can inherit to the exclusion of other relations. Traditionally, the estate had gone to the man's nephew or brother, so this was an innovation in the customary law of the Nnewi people. In another suit, in Lagos, 11 children who were under age when they committed murder were pardoned because they were under age when the crime was committed. Recently, at the Otokoto trial in Owerri, a child armed robber was not condemned to death but was sent to the "borstal" section of the Port Harcourt prison being under age. (By "borstal", it is meant that even though the child was confined in prison, he was not necessarily kept under the same conditions/environment with hardened criminals.)

The Report pointed out that laws that protect children existed, but were scattered in different laws. Thus, child victims of crimes were given protection under the Criminal Code, the Penal Code, the Labour Act, the UBE Act, the Beverages and Alcoholic Drinks Act, the Cinematographic Act, the various infants laws of the States, the Evidence Act, the Contract Law, the Matrimonial Cause Act, the Wills Act, the Age of Customary Marriage Law, the Births and Deaths Registration Act, the Children and Young Persons Law, the Constitution of the Federal Republic of Nigeria 1999, etc. Thus, child protection provisions abound in Nigeria's laws, even though they were not contained in a single document such as the draft Children's Bill.

As reported, pursuant to the 1990 World Summit for Children, Nigeria prepared a comprehensive National Plan of Action (NPA), which was also adopted at State level. An inter-ministerial committee with the support of UNICEF, implemented this National Plan of Action for Children. In addition to the NPA, there were also several plans of action by the various sectors, e.g. health, education, information, etc., addressing specific issues of child welfare, for example, baby-friendly initiative, child-friendly schools, national programmes on immunisation, poverty eradication programmes, universal basic education, the child-friendly cities initiative, setting up of legal aid centres for women and social services at the Federal level in 1977 by the Federal Ministry of Women Affairs and the setting up of same in the States. Furthermore, a Directorate on Child Rights NGOs, and a National Council of Child Rights NGOs were also set up, and there was a draft national policy on children in the making. A National Summit for Children was held to develop a comprehensive national policy and strategy for the implementation of the Convention in Nigeria.

The Education Master Plan, approved in 1994, had not been fully implemented, but when implemented, it would make universal basic education available in Nigeria. This underscored the necessity for follow-up and monitoring of policies once adopted. Following the Committee's demand for an institutional framework for the implementation of the Convention at country level, the Report stated that Nigeria had established the NCRIC based in the Child Development Department of the Federal Ministry of Women Affairs and Youth Development. The Federal Ministry of Women Affairs and Youth Development had tried to implement child rights down to the grass roots. The States had also been mandated to establish child rights monitoring centres in the States as well as child rights clubs in the schools. Furthermore, they are to establish child rights implementation committees at LGA level.

The monitoring centres would ensure implementation of the Convention from a watchdog angle while the school child rights clubs will help spread awareness. Virtually all 36 States had such committees except Kano, Kogi, Nassarawa and Lagos States. Some States, for example Imo State, Abia State and Ebonyi State, had already established committees in some LGAs. Efforts in this regard were continuing. About half of the States had also established child rights monitoring centres while over 3,000 school child rights clubs had been established across the nation. These efforts had also been supported by NGOs and others that, also on their own, had child rights monitoring activities in various States of the Federation – with UNICEF as a collaborating partner in the process.

In addition to the above-mentioned efforts, there were other frameworks for child rights implementation. For example, there existed an inter-ministerial committee at national and State level comprising mainly the Ministries of Health, Education, Works and Housing, Information, Labour and Productivity, Water Resources, Agriculture and Planning that implements the National Plan of Action mentioned above. Furthermore, there was the National Council on Women Affairs and Youth Development, which was the highest policy-making body on children. The Council, which include the States, meets at least two times a year. There were also regular meetings of the directors of child development from the Federal and State Ministries of Women Affairs and Youth Development.

A number of actions taken by the Government were reported as having had far-reaching effects on Nigerian children. The first was the UBE, requiring every child to attend school, which was free, up to junior secondary level. The second was the Poverty Eradication Programme, which establishes institutions that provide loans and microcredit to the poor as well as skill-acquisition training and other measures of empowerment to families to lift them out of poverty. A lot of resources and political will have been channelled towards the National Programme on Immunisation which is supported by several donor agencies. Finally, with the new democratic order, wives of the chief executives at national, State and local government levels have become involved in independent non-governmental work. The wife of the then President, Chief Stella Obasanjo, established the Child Care Trust specifically to take care of the needs of disabled children. The wife of the Vice-President, Chief Titi Abubakar, had an NGO fighting for children trafficked into prostitution and labour, while virtually all the wives of State governors had their own NGOs fighting against one social injustice or another, including those involving children.

These outpourings of NGO activities motivated the Federal Ministry of Women Affairs and Youth Development to establish an NGO technical support network committee comprising 25 NGOs, not yet including those of the wives of chief executives mentioned above. The network aimed at stimulating and coordinating various efforts on child rights by NGOs in Nigeria as well as monitoring and evaluating progress achieved in these sectors. The establishment of social mobilisation technical committees at Federal, State and local government levels as well as the establishment of child rights information bureaux at Federal, State and local government levels assured the spread of the Convention.

In all the efforts mentioned above, poor implementation was identified as the problem; therefore, greater effort and effectiveness were needed in these areas. There was also need for greater participation of civil society to ensure effective participation as well as monitoring activities and programmes to ensure effective implementation. The following initiatives were reported to have been taken in cooperation with civil society: Development of a draft Child Development Policy and the organisation of children's summits and camps; The NGO Technical Support Network assured NGO mobilisation for children; the establishment of a National Council for NGOs; mobilisation of universities and research institutions and individuals to carry out studies on female genital mutilation; raising the level of awareness of policy makers of international conventions on Women and Children, etc.; Fund-raising by the private sector, e.g. United Bank for Africa, Sheraton, British Airways,

embassies, etc.; Providing skills and microcredit to poor families, especially women, e.g. Peoples Bank, Community Bank, Agricultural Development Bank, etc.; in order to address scarcity of data, several studies in collaboration with universities, NGOs and research institutions were commissioned in several sectors to establish baseline data to serve as a point of orientation in future monitoring; while the Ministry of Women Affairs and Youth Development in developing a manual for juvenile justice administration took into consideration the provisions of the Convention, the African Charter and the Beijing Rules.

It was reported that there was a conscious effort in the country, both at Federal and State levels, to set up a budget, bearing children in mind: 26% of the national budget was allocated to children in response to their needs as estimated by the Government. However, the proportion of the State budgets devoted to education varied from State to State as some could provide adequate percentages in line with their perceived needs while others could not. Education was given the highest priority in Niger State. The budgetary allocation for education in others states were: Benue State – 18-22% ; Zamfara – 26%; Sokoto – 25%; Katsina – 30%; Akwa Ibom – 15.5%; Bayelsa – 12.5%; Cross River% 19.6%; Delta – 4.8%; Edo – 14.5%; Rivers – 17%; Yobe – 70%; Bauchi – 50%.

According to the report, it was in this area that more effort should be made to carry out an adequate budget analysis to determine the proportions spent on children and ensure the effective use of resources. Bringing this to fruition was agreed upon at the recently concluded Nigerian Children's Summit, and would be a first step in creating awareness and putting pressure on the various levels of Government to comply and do more than they were doing at the time. Secondly, the Poverty Eradication Programmes had been of tremendous help. Poverty Eradication Programmes and UBE appeared to be promising. Effort should be made to get data on disaggregated budgetary allocations for education from the States, both at primary and secondary school levels.

UNICEF and Nigeria had a five-year programme of cooperation. There was usually adequate mobilisation in the formulation of the plan and in the mid-term review. There were also mid-term and annual reviews of the various sectors such as Health, Basic Education, and Urban Basic Services/Children in Need of Special Protection Measures. Beside this effort by UNICEF, there was also bilateral cooperation between the Federal Government and the World Bank, UNDP, WHO and international donor agencies.

A case in point was the financial support received from these agencies on the National Programme on Immunisation (NPI). Also, the Government of the United States of America was supporting the IPEC Programme with \$800,000 while other donors had promised their financial support. Some foreign countries and donor agencies had either given support or promised support for the First Lady's Child Care Trust Programme for Disabled Children. ILO had employed a National Manager for the IPEC Programme and was joining hands with the Federal Ministry of Employment, Labour and Productivity as well as the Federal Ministry of Women Affairs and Youth Development, which had inaugurated a steering committee to implement IPEC in Nigeria. Furthermore, the United States of America had provided \$9 million to prosecute agents of child trafficking in West Africa, including Nigeria and NGOs were being supported at various levels by international donor agencies.

The Report pointed out that the Federal Ministry of Women Affairs and Youth Development, through the National Child Rights Implementation Monitoring Committee (NCRIC), published a simplified edition of the Convention to make it easy to understand by adults and children alike. The simplified edition had been translated into the three main Nigerian languages and the English version as well as the translations were circulated widely throughout the country, particularly in the north-east, south-east and south-west. Further translations were also undertaken for the south-south and north-west geopolitical zones. State Governments were urged to look into this question.

Other actions reported to have been taken to spread awareness of the Convention in Nigeria included: Awareness creation through drama, videos, jingles, media missions, posters, calendars, year planners, leaflets, workshops, lectures, sensitisation of local government chairmen, creation of children's parks in the Federal Capital Territory and in some States, etc. In addition, child rights clubs were established in several Nigerian schools and provided with child rights kits. The main objective of child rights clubs was to make children aware of the provisions of the Convention. Although the Convention has not yet been included in the school curriculum, there was a proliferation of rallies for children as well as organisation of sensitisation of Parent-Teacher Associations and seminars for other target groups organised by several governmental and non-governmental organisations.

The Children's Day celebration and the celebration of the Day of the African Child were also occasions to organise debates and radio discussions for children. Similarly, there had been several seminars and workshops for various professional groups like public officials and operators of the juvenile justice system, social workers, lawyers, magistrates, judges, prison wardens, and the police, to ensure that the Convention was widely known. The NGOs had been mobilised and empowered to individually contribute to the present report; several workshops and seminars had been organised, specifically targeting members of the mass media and publishing agencies. The participation of children in Nigeria had hardly gone beyond tokenism, but some efforts at increasing participation were being undertaken by governmental and non-governmental organisations. Children were made to participate in the activities of Children's Day and were increasingly invited to national and regional seminars and encouraged to organise their own forums. They also participated in activities of young farmers' clubs, child rights clubs, etc., while Children's parliaments were beginning to be organised in different parts of the country.

It was pointed out that Nigeria had produced only one report (the initial report). The initial report as well as the concluding observations were reported to have been printed and widely circulated by the National Child Rights Implementation Committee. No occasion had been spared at seminars, conferences and public activities to circulate these two documents. Following the publication of the two documents, the NCRIC debated the concluding observations and made proposals to improve the present report, as described below. It was emphasised that several studies were carried out to ensure the generation of more data on children for this report. Nationwide surveys on HIV/AIDS orphans, child labour and trafficking were also carried out. A National Summit on Children was held with participation from the states, sectorial ministries and agencies, national and international organisations, United Nations agencies, donor and funding organisations, academia, the childcare profession, children and other stakeholders in child survival and development. Its theme was, "The Nigerian Child: Challenges of the 21st Century, a New Commitment".

The Summit offered the Ministry of Women Affairs and Youth Development an opportunity to debate various aspects of the implementation of the Convention in Nigeria with this report in mind. The concluding observations and the initial report were also made available to the members of the Houses of Assembly at Federal and State levels, as well as to the media houses in Nigeria. Also, a recent study carried out by the Centre for Women Development, in conjunction with UNICEF, on awareness of policy makers at the zonal and Federal levels of the major international conventions, protocols and charters Nigeria had entered into showed that there was an appreciable level of awareness of the major conventions, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. However even there, a lot of effort needs to be made to achieve complete awareness. For other conventions and protocols, there was an appreciable level of ignorance.

The second periodic report contained inputs from the various levels of government – local, State and Federal – through the meetings of the National Social Development Council for Child Rights, directors

of Child Development Departments of the Federation, States and NGOs. The Report maintained that in Nigeria, there was no uniform definition of a child. The available definitions were said to differ and depend on the purpose for which the definition was required. It pointed out that laws affecting children were scattered in different legislation such as the Constitution of the Federal Republic of Nigeria, which provided that a person can vote at 18 years of age but cannot stand for election. The Matrimonial Causes Act puts the age of maturity at 21, whereas the Immigration Act stipulated that any person below 16 years is a minor, while for the purpose of criminal responsibility, the Criminal Code provides for 7-12.

For legal and medical counselling without parental consent, no specific age was stipulated. For medical treatment or surgery without parental consent, the stipulated age was reported to be 21 while the end of compulsory education is 15 years of age, though some children were still in school at 18 years. For admission to employment, including hazardous work, the law recognised apprenticeship at 16 years and 18-21 for regular jobs. It went on to state that the age of marriage was a highly controversial issue which varied from place to place. As reported, in north-west and north-central Nigeria, 14 years was the age of marriage. In the north-central part, the age of marriage was between the second and third menstruation, while in the southern States it varied from 16 to 18 years of age. The age of sexual consent was 18 in most States. However, in two States of the south-south zone, the age was 13. In the west zone, the age of marriage varied from 16 to 19 years, but in the north, particularly in the north-east where the Islamic religion was widely practiced, sexual consent was not allowed.

On the issue of voluntary enlistment in the armed forces, the Report indicated that the stipulated age was 18 years. However, various armed forces divisions had their own schools where minor cadets were admitted and trained. However, beyond parade and disciplinary training, the children were not involved in military activities. There was no conscription of children into the armed forces in Nigeria. Regarding child participation in hostilities, several inter-ethnic, inter-religious and inter-community clashes and border disputes had adversely affected children who, among others, were in one way or the other involved in hostility. In some parts of the northern region, Almajiri children had been used to foment trouble and act as human shields in such situations. Usually, the children who were involved were those who were tough enough to withstand what they saw.

The age of criminal responsibility in most states was reported to be 18, in line with the Convention, but in some States the age was still below 18 (for example 7-12 years in the south-east, 12-18 years in the north-central and 14-21 years in the north-west).

On the issue of deprivation of liberty of children in conflict with the law, the Report pointed out the Children and Young Person Law, which was in force and which provided adequately for the needs of children deprived of their liberty following criminal actions. Such children could be placed in remand homes, borstal institutions and approved schools. The issues of asylum-seeking children did not arise in Nigeria. However, children went into the homes as from 7 years old.

Children were therefore not sentenced to life imprisonment or condemned to death. There had been cases of child robbers who eventually were not shot along with others.

With regard to giving testimony in court, the Report stated that under Section 183 of the Evidence Act, a child, could give evidence but only in the judges' chambers, not in open court, and after the court must have been satisfied that the child understood the questions put to him and could answer. However, the evidence of the child, by reason of his tender age, usually required corroboration (as in sexual offences) in both civil and criminal cases.

Lodging of complaints and seeking redress before the court or other relevant authority without parental consent was not culturally acceptable as litigants became enemies for life after the litigation. It was therefore preferred that aggrieved parties exhausted other means of settlement before resorting to a court of law. A child could not sue at law but either his/her parent or some other adult could speak for him. Children did participate as much as possible in administration and judicial proceedings affecting them, as was provided for by the juvenile justice system and the Young Persons Act.

On giving consent to change of identity, including the name, family relations and adoption, the age for change of name was 21 except upon marriage, but on the issue of adoption, when the child was young, he/she had no say until he/she was old enough, and this depended on the adopter. The issue of having access to information concerning the biological family was at the discretion of the parent and the required information could be given at any age.

There were provisions for inheritance at birth, but in some States of the Federation, tradition and religion still deprived girl children and women the right of inheritance. For instance, in the Ibo culture, only male children inherited while in some parts of the south, women or girls did not inherit, they being objects of inheritance themselves. Under Islamic law, an adopted child could not inherit except by a will, and he would get only one-third of the estate of the deceased, even where a will gave him more. Furthermore, where there was a dispute over paternity in a divorce under Islamic law, the child could not inherit from the father but he could inherit from the mother. For the purpose of transactions in property, the person must have attained the age of 21.

Regarding creating or joining associations, the rights were guaranteed in the Constitution but the norm was to form or join these associations under parental guidance or professional and/or religious supervision. For the purpose of choosing a religion or attending a religious school, the age of 18 years obtained in most States in terms of choice of religion except in the Islamic-dominated states of northern Nigeria. In practice, the child's religion remained that of his/her parents until he/she attained majority or got married and left home. On his own, he may be able to choose his own religion but would face stiff opposition from his parents. Children were not encouraged to consume alcohol and other substances, but alcohol was totally forbidden in Islam.

There were no disparities in the State with regard to the minimum age for employment and compulsory schooling. However, in case of any disparity, the age of employment was usually higher than that of compulsory education, thereby ensuring that the child's education was not infringed upon. In fact, UBE provided that the child should leave school at 15 and no employment could take place before 16 years. The labour law (ILO) was taken into account, employment was at 19, while apprenticeship law provided 16, and the shipping law provided that the job should not be hazardous and that where youngsters were employed then two boys should do the work of an adult male.

Concerning differences in the legislation between boys and girls, including in relation to marriage and sexual consent, the report referred the Committee to both article 2 and the Criminal Code. For boys, the age of puberty was 14, while 13 was the age for girls. However, these two provisions were not in consonance with the provisions of the Convention. The Report referred to Section 39 (2) of the Constitution of the Federal Republic of Nigeria 1999 which provides for non-discrimination with respect to all citizens, including children. The Constitution in Part IV also provides for fundamental human rights in consonance with the African Charter on Human and Peoples' Rights.

As reported, in Nigeria, there were national, zonal and local government task forces on the girl child set up to remove any discrimination against the girl child. Other policies that related to non-discrimination included the Nations Policy on Education, the UBE programme, establishment of more schools for girls, and the provision of scholarship schemes in favour of girls. Also in existence were

various State laws and edicts relating to harmful traditional practices, hawking, withdrawal of girls from school, and early marriage. Despite the laws, in practice the girl child, and in some areas the boy child, children born out of wedlock, disabled children, children of outcasts, children from a minority and children from other states often experience discrimination. Public education in these areas was still necessary.

The Report pointed out conscious efforts by government at all levels to institute specific measures to reduce economic, social and geographical disparities in view of the multi-ethnicity of the country which, besides the three major ethnic groups, had well over 250 distinct ethnic groups. Existing institutions and agencies established in Nigeria to tackle this problem include the Federal Character Commission, Poverty Eradication Programme, UBE programme, National Programme on Immunisation, National Directorate of Employment, Open Apprenticeship Scheme, Youth Employment Scheme, School on Wheels programme, Waste to Wealth, drop-in centers, mass deworming, etc.

In addition, massive awareness sensitisation campaigns and advocacy visits were reported to have been undertaken at various levels with policy makers, community, religious and opinion leaders, women, youth and children's groups and other social segments to bring about attitudinal changes in favour of the girl child. The Constitution, in Section 25, provides for children born out of wedlock not to be discriminated against. However, they may have social problems within the society.

Furthermore, the Federal Government had established special education programmes for itinerant nomads, migrant fishermen and traders and literacy programmes for refugees, and a mass literacy programme as well. In addition, the UBE and the Poverty Eradication programmes help to reduce discrimination in the society.

A number of sectorial studies had been undertaken with the aim of collecting disaggregated data on children. The Federal Government, with the support of agencies like UNICEF, ILO, other donor agencies, NGOs, universities and research institutions, had conducted national and sectorial research on various areas of child survival and development such as child trafficking, child labour, HIV/AIDS orphans, child health and nutrition. In addition, there was an ongoing survey on the disabled in Nigeria as well as a survey on gender and child rights-related concerns in Nigeria. The National Demographic and Health Survey (NDHS) and the Multiple Indicator Cluster Survey conducted by the Federal Office of Statistics had yielded valuable baseline information and disaggregated data on children.

The problem of prejudice against children leading to social and ethnic tension, racism and xenophobia was perceived to be minimal and as such, there were no specific programmes designed to combat it. However, the general programmes of the National Orientation Agency (NOA), e.g., National Rebirth, the Human Rights Violation Panel, President Olusegun Obasanjo's Anti-Corruption Campaign and various youth, peace and reconciliation efforts at the national and regional levels addressed these concerns.

Government provision of freedom of choice of school, free access to parks and playgrounds for every child, scholarship schemes for all, etc. had ensured non-discrimination against children based on parental/guardian status. However, there was need for mass education or public enlightenment on the provisions of the law against discrimination in this respect, especially among law enforcement agents and public officers.

Some of the major problems encountered in the implementation of the provisions of Article 2 of the CRC were deeply entrenched cultural, traditional and religious attitudes and practices, such as female circumcision, early marriage, child betrothal, tribal marks, rigid autocratic child rearing practice, boy

child preferences and attitude of policy makers to change. The best interests of the child were paramount in Nigerian legislation. This was supported by the Constitution and other legislation mentioned earlier. The principle, as reported, also pervaded the juvenile system in Nigeria. The Social Welfare Departments, working in conjunction with juvenile courts, handled various issues affecting the child. All were geared towards achieving the best interests of the child, against the background of a very active and supportive media.

A number of institutions had been established to ensure the best interest of the child in Nigeria. Amongst these are the Federal Ministry of Women Affairs and Youth at the federal and state levels, each with a child development department; and the women development units in local government areas. Despite these institutional structures, consciousness of the need to link the overall interests of the child with budgeting at various levels had not been achieved. Moreover, the s had not started relating the overall budget to meet the specific needs of the child. The budget channelled towards education varies from State to State; hence, some states may concentrate more on infrastructure like building and furnishings while others may concentrate on tertiary institutions. However, more emphasis could be laid on qualitative education.

The child in the family circle still performed the task of making money to sustain the family through hawking, menial jobs, bus conducting, etc. Government programmes so far in this regard had failed to tackle this problem effectively. While there were procedures for adoption, these were subject to various abuses. Childcare institutions such as borstals, remand homes and approved schools existed. However, these suffered from various forms of neglect in terms of inadequate funding. Concerning social life, the Government had been able to encourage the participatory rights of the child. Children were allowed, though under supervision, to join social clubs and cultural and religious institutions that served the best interests of the child. National and State parks were budgeted to enhance children's recreation activities. An agency had been established by the Federal Government on conflict resolution. The National Commission for Refugees cared for the welfare of children in refugee camps. Guidance and counselling services, improved training for teachers as well as entrance training for staff were being stepped up in schools.

There was legislation that protected the interests of the child. This protection could not be found in a single document, which was a major advantage of the draft Children's Bill as all matters affecting children were contained therein. More financial resources were required for the implementation of the Convention, but the current economic recession in Nigeria had affected both the implementation of the Convention and the general populace. The general population had been affected by poverty, which had posed a major constraint to the implementation of the Convention in Nigeria as children were often sent out to work as a way of contributing to the family income. The culture of financial involvement of the private sector in child development had not been developed.

Lack of sufficient understanding in governmental institutions, in contrast to cultural, religious and traditional modes of child protection, coupled with ignorance and lack of sufficient information relating to child welfare tend to lead to confusion of norms and values and misplacement of priorities, making the implementation of the Convention difficult. Harmful traditional and cultural practices such as early marriage, withdrawal of girls from school and male-child preference posed further constraints. There was lack of infrastructure to implement the Convention in full, for example, in the justice system, family court, juvenile court, borstal institutions, social work, etc. But even in the face of all these, several workshops and seminars had been organised by governmental and non-governmental organisations for police, social workers, customs officers, immigration officers and various operators of the juvenile justice system to improve the standard of childcare for the best interests of the child.

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In all the States of the Federation, the penal and criminal codes made adequate provision for the protection of the rights of the child to life, survival and development. In addition, institutional programmes such as NPI, Maternal and Child Health (MCH). Nutrition and Breastfeeding all promoted all the rights of the child. These were also enhanced through various childcare institutions in all the state and local government areas of the Federation. For example, primary health-care centres existed in all the LGAs of the country. The National Population Commission did data registration and their offices were located in all the LGAs of the Federation. This included the registration of births and deaths of children, including the causes of death. Child suicide was rare. There was a draft policy on adolescent reproductive health and some states, supported by United Nations Fund for Population Activities (UNFPA), provided adolescent reproductive services. Non-governmental organisations such as Planned Parenthood Federation of Nigeria (PPFN) and Action Health also offered adolescent reproductive services. Street violence was not common, but the phenomenon was emerging, for example the Area Boys in the south and the Almajiris in the north.

This was a new challenge for Nigeria, although some government and private sector programmes were being undertaken to rehabilitate these categories of children through training, non-formal education and skills acquisition. More effective performance of the various state ministries of health was required to ensure full registration of births and deaths by private and public hospitals. More enlightenment programmes were required to enable citizens to take advantage of the opportunity to register their births and deaths, both at local government and State levels.

At the time of this report, a Children's Parliament was formed, which served as a forum for children to express their views. At the National Summit for Children, the children conducted the affairs by themselves. Similarly, in the Progress of Nations Report 1999/2001, children were in charge and their opinions were taken into consideration. There was a gradual shift from the widespread attitude that children should be seen and not heard. The draft Children's Bill, the Constitution of the Federal Republic of Nigeria 1999 and the African Charter on the Rights and Welfare of the Child all made adequate provisions for children to express their views. Moreover, the Nigerian media in all the States had become very active in promoting programmes for children to express themselves. These included: the airing of school debates, organising programmes for children to speak out, the inclusion of children in discussion panels and airing the results of decisions held at children's forums. Newspapers also had children's columns, which provided the opportunity for children to explain things themselves and in their own way. The publication of children's magazines was encouraged and supported, such as the CRIB Bulletin. Children were becoming participants in seminars, lectures, conferences and other such fora where their views form major inputs, as was done at the National Summit for Children.

Parents were taking their children shopping, where they were given a free hand to pick for themselves, as opposed to time past, when the shopping was done for the child in absentia, even if it meant buying oversized items for the child which the child was expected to grow into. Parents then encouraged their children to report strange activities, instead of shooing them away and shutting them up. Children were no longer caged like before. Moreover, some parents were taking their vacation to correspond with when the children would be on vacation from school.

The above was not to say that all families were as described above, but a lot of effort was being made in that direction, mostly by city parents. Schools throughout the country encouraged children to participate in decision-making through the school prefect system. Instances where children had participated in decision-making include: Children's Parliament (they had a president, etc.); Progress of Nations launching in Nigeria; National Summit for Children; Television programmes, etc. In the above instances, children had shown that they had views and could speak. Children participated in

decision-making in schools through the prefect system (there had been no opportunity yet with the local council).

As reported, to ensure that the birth of every child in Nigeria was registered, there is a National Population Commission (NPC) with offices and staff in every local government area whose responsibility this is. Furthermore, it is the function of the National Population Commission (NPC), in liaison with the African Refugee Commission, to ensure that children born of parents in extreme situations were registered. However, there was still a lot to be done in sensitising the Nigerian populace and Nigerian citizens to take advantage of the facilities put in place for birth registration by Government. Furthermore, it was also a big challenge for NPC and the African Refugee Commission to ensure that children of refugees and foreigners born in Nigeria were fully registered.

The National Population Commission embarked on periodic and regular public enlightenment through the media, workshops and seminars as well as posters and leaflets on the need for parents to register their children at birth. In addition, the Commission also had a policy and practice of staff development of registry personnel. The information provided on the registration forms give such details as the name of child at birth, sex, place and date of birth, and the full names, occupation and place of birth of the parents. The Constitution prohibits discrimination on the ground of birth status.

Both the Nigerian Constitution and cultural practice provide for nationality and identity for all Nigerian citizens. However, despite the protection given by the Constitution and the Children and Young Persons Law (CYPL), some children born out of wedlock still suffered some subtle social discrimination. Children were allowed dual citizenship in Nigeria. Nigeria forbade adoption by foreigners. However, there were no uniform adoption laws in Nigeria as this fell under the purview of the States. This had created an avenue of abuse.

It was remarked that in Nigeria a number of steps had been taken by Government, the media and NGOs to enhance children's right to free expression, e.g., organisation of the Children's Parliament, media participation, e.g., speak out, camps, children's pages in the newspapers, and children's time on radio and television. However, this was against the cultural attitude of the child being seen and not heard. In Nigeria, children usually followed parental guidance in the choice of religion. Islamic law goes further, forbidding change of religion. The challenge was to socialise children towards religious tolerance. Nigeria is a secular nation with provision for much ethnic, cultural and religious diversity of the citizens. In this regard, there are unity schools, two in each state, where children from certain religious and ethnic backgrounds could go.

According to the report, in Nigeria, the Constitution provides for freedom of association, and in practice, there are girl guides, boys' brigades, boy scouts, child rights clubs, debating clubs, frequent interschool sporting activities and assemblies of Nigerian children. It was reported that in Nigeria, the relationship between children and parents was so intensive that the issue of a child's right to privacy hardly arises, as parents were always interested in the correspondence of their children and what relationships they entertained. However, there were measures preventing parents from inflicting harm on their children in the exercise of their rights of control.

Some efforts were being made in Nigeria to provide for the realisation of the full development and enjoyment of life by disabled children. Rehabilitation department/units handling and coordinating programmes for the disabled existed in the State Ministry of Social Welfare. At the Federal level, Government had instituted and was implementing a community-based rehabilitation programme which de-emphasised institutionalisation and encouraged the disabled to learn, work and live in the same environment with their able-bodied counterparts. Most States had established rehabilitation centres and schools for handicapped children where they are also taught vocational skills. Many of

these centres and schools received government subventions and grants for their upkeep. In some States, local television stations relayed programmes and news in sign language. Also, various aids and appliances were donated to disabled children. Sports for the disabled featured prominently in disabled and special schools. It was to be acknowledged that many of the special schools in Nigeria were established and managed by non-governmental and philanthropic organisations, though it was to be added that most of them received government backing and subventions.

Awareness on the situation and plight of disabled children was lacking. Financial allocations for the care of this special group of children were also low, while there was little or no efforts to incorporate their needs into environmental planning. Recreational and leisure facilities for disabled children also required special attention. Training of professionals/ caregivers had not been encouraged. It was also important to state that the special schools and rehabilitation centres required replacement or refurbishment. The salaries and allowances of caregivers in this field were poor and discouraging. Conducting a census of disabled children in Nigeria would provide much-needed information on their situation, needs and priority areas of intervention.

The National Policy on Health launched in 1989 had the primary health care system as its major thrust. This was more accessible and promoted equity and social justice, particularly for the poor majority living in rural and semi-urban areas. The primary health-care system particularly attempted to meet the health needs of mothers and children through its preventive, curative, promotive and rehabilitative features. By 1990, it was estimated that only 17% of Nigerians had access to modern health facilities. One of the measures taken to correct the unsatisfactory level of coverage was the revitalisation of the PHC system through expansion and greater decentralisation. The National Primary Health Care Development Agency was created in 1992 to strengthen PHC implementation through supervision and technical assistance.

The Poverty Eradication Programme of Government and other efforts of the Federal Ministry of Health had plans to increase the number of PHCs per LGA and provide medical doctors for them (at least two per LGA). The Bamako Initiative, which sought to revitalise PHC through adequate supply of basic drugs, community involvement in the management of their health care as well as improved financing, was established in 1999. All 774 LGAs of Nigeria implemented the Bamako Initiative. The principle of the Bamako Initiative was that children from disadvantaged families, particularly poor families, were guaranteed access to health care.

Other health measures adopted to ensure the right of the child to enjoy the highest attainable standard of health included the establishment or revitalisation of disease control programmes for HIV/AIDS and acute respiratory infections (ARI). The Integrated Management of Childhood Illness (IMCI) viewed the management of childhood illness holistically. Other control programmes, including those against guinea worm, onchocerciasis, tuberculosis and malaria had also been strengthened. The continued implementation of the Baby-Friendly Hospital Initiative (BFHI) raised the level of awareness of the advantages of exclusive breastfeeding. The country launched in 1997 a policy to encourage exclusive breastfeeding. The National Malaria Control Programme also reviewed and included the Roll Back Malaria Initiative while Nigeria hosted a successful summit of African heads of State on Roll Back Malaria in April 2001.

As reported, the National Programme on Immunisation (NPI) Agency was created in 1998 to improve immunisation coverage. The Agency had conducted National Immunisation Days (NID) for the global eradication of poliomyelitis. Nigeria had taken the lead in the subcontinent in mobilising resources to ensure that the polio virus transmission was halted by 2002 and that the total eradication of the virus was certified by 2005. President Obasanjo was the Chairman of the Committee on a Polio-Free Africa. Nigeria had two rounds of NID between October and November 2000, during which over 40 million children were immunised. Response to the threat posed by HIV/AIDS was receiving attention

at the highest level of Government. The campaign against AIDS was being led personally by the President. Since the last report HIV/AIDS control was integrated into PHC by the President and a National Action Committee on AIDS was established to ensure multi-sector and multilevel participation of relevant stakeholders.

An interim action plan was developed and more resources allocated for HIV/AIDS. Awareness and enlightenment campaigns were stepped up. A multi-sectorial media health committee was also inaugurated in September 1999 to harmonise all media-related AIDS control activities in the country. Instructional materials were developed preparatory to the integration of HIV/AIDS education into the curriculum of primary and secondary schools throughout the country. HIV testing kits worth 100 million naira were procured and distributed to screening centres nationwide. Government also put in place the mechanism to reduce material transmission of HIV/AIDS to the foetus through the supply of the appropriate antiretroviral drugs.

Harmful traditional practices existed in all the States of the Federation, particularly at community level. FGM, early and forced marriage, female disinheritance, tribal marks and tattooing were common practices. Efforts to eliminate these harmful traditional practices had gathered momentum in the country. The Federal Ministry of Women Affairs and Youth Development, with the support of UNDP and other United Nations and donor agencies, had concluded a national survey on harmful traditional practices. Results from the survey had been widely disseminated in the country and had given impetus to various advocacy and sensitisation programmes at various levels aimed at tackling the problem. UNICEF, through its country programme, had supported the training of traditional birth attendants and the use of popular theatre and other grass-roots community mobilisation strategies to disseminate information on the ill-effects of these harmful traditional practices. The mass media, NGOs, CBOs and religious organisations were also contributing to the fight against harmful traditional practices.

The National Hospital (originally known as the Women and Children's Hospital) was a multi-billion-naira, highly specialised and highly sophisticated comprehensive health-care centre that caters for the health needs of Nigerians, especially women and children, who otherwise would have been referred outside the country. It was established in Abuja in 1996, and had provided specialised medical and surgical care since then. The National Health Management Information System was also established by the Federal Ministry of Health to correct the situation of grossly inadequate data sources for planning and evaluation of health programmes. Collaboration between the Federal Ministry of Women Affairs and Youth Development and the Federal Ministry of Health was expected to provide sex- and age-disaggregated statistics for planning and programme management.

According to the report, the then new democratic Government in Nigeria demonstrated its commitment to improve the quality of life of Nigerians, especially that of mothers and children, through its poverty alleviation programme and other forms of microcredit facilities, especially for farmers. The National Committee on Food and Nutrition (NCFN) was inaugurated. The National Policy on Food and Nutrition was approved in 1998, and had been referred to the Committee on Food Security to be harmonised with the Household Food Security document. An institutional framework for implementing the Plan of Action on Food and Nutrition had been developed.

A new National Water Supply and Sanitation Policy was adopted early in 2000 by the Federal Government. The centre piece of the policy was the provision of sufficient potable water and adequate sanitation to all Nigerians. The initial target of the policy was to improve service coverage from 40% to 60% by 2003 and to reach 100% by 2011. The policy document identified the strategies, policy instruments, legislative provisions and the institutional and funding arrangements to be put in place to achieve the targets set.

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It was remarked that the major Summit goals recommended that the infant mortality rate (IMR) and the under-five mortality rate (U-5MR) be reduced by a third, or to 50-70 per 1,000 live births, from 1990 to 2000. The report of the NDHS was still provisional at the time of this report, so the data of NDHS 1990 and that of the MICS for 1999 were compared for mortality rates. They showed that IMR actually rose from 91/1,000 in 1990 to 105/1,000 in 1999. The use of two different data sources may be responsible for this. The MICS also showed that southern Nigeria fared better than the north. IMR was as high as 117/1,000 live births in the north-east and lower than the 2000 target of 45/1,000 in the south-west. There were no gender differences, but there were marked urban/rural differentials: 83 and 113/1,000, respectively.

Unlike IMR, U-5MR recorded a marked decline between 1990 and 1999, although this was still a far cry from the Summit goal target stated above. U-5MR decreased from 191/1,000 in 1990 to 159/1,000 in 1999. When similar data sources were compared (MICS) the rate increased from 147/1,000 in 1995 to 159/1,000 in 1999. The rates for males and females were 148 and 167/1,000 respectively. The differentials by region and rural/urban location follow a similar pattern for the IMR: 119/1,000 and 147/1,000 respectively, and the figures for the north were poorer than for the south.

The World Summit for Children set a goal of 100% coverage for all vaccine-preventable diseases. Immunisation coverage improved for DPT, poliomyelitis, measles and tuberculosis between 1990 and 1995, after which there was a decline in 1999. The MICS survey showed the 1999 coverage figures as follows: DPT - 23%; Poliomyelitis - 19%; Measles - 35%; Tuberculosis - 43%. Deaths due to diarrhea in children under 5 were expected to be decline by 50%, but only 25% reduction was recorded by 2000. These goals were not met. The incidence of diarrhea, however, decreased from 18 episodes per child for the 10-year period to 15 episodes per child for the same period. The number of children treated with oral rehydration therapy (ORT) increased from 27% in 1990 to 47% in 1999.

Constraints encountered in implementing the measures included weak capacity of the health-care system to meet the basic needs of children and women. This was mainly due to poor funding, lack of community involvement in programmes, inadequate human capacity programmes, poor inter-sectorial cooperation and lack of integration of vertical programmes, all of which weakened the PHC system. Although some progress was made, a review of the trends over the 1990s showed that none of the end-decade goals of overcoming childhood malnutrition was met. However, stunted growth among children under 5 dropped from 43% to 34% from 1990 to 2000 (NDHS 1990, MICS 1999); and under nutrition (underweight) also fell slightly from 36% in 1990 to 31% in 2000. But the prevalence of wasting (acute malnutrition) increased from 10% in 1990 to 16% in 2000. There were marked regional differences, with the north recording poorer figures than the south, the north-east being the worst and the south-west the best.

Among children whose weight at birth was recorded, 7% had low birth weight (<2.5 kg) in 1990, suggesting that the goal of reducing the incidence of low birth weight to less than 10 per cent had been met. However, it must be noted that only a small proportion of births (28%) were supervised by trained personnel who could weigh the babies. For the majority of babies, the birth weights were unknown. Approximately 22% of children under 4 months were exclusively breastfed (MICS 1999) as against 100% for 2000. At age 6-9 months, 44 per cent of children were receiving breast milk and solid or semi-solid foods. About 99% of households in Nigeria consumed adequately iodised salt (ibid.) and the proportion of children aged 6-59 months who had received a high dose of vitamin A supplement in the last 24 months was 23 per cent (ibid.).

Over half of the population (54%) had access to safe drinking water, with marked urban/rural differentials of 71% in the urban areas and 48% in rural areas. The usual trend of the south faring better was for the first time broken in this respect as the south-east – 39% was considerably worse

than the other regions. While 53% of the population lived in households with sanitary means of faecal disposal. The situation varied from 40% in the north-east to 58% in the south-west. According to the data from both NDHS and MICS, rural water supply rose from 30% coverage in 1991 to 48% in 1999 while the urban areas experienced a decline from 80% to 71% between 1995 and 2000. Like access to potable water, access to adequate sanitation rose in the rural areas from 48% in 1991 to 53% in 1995. However, the overall sanitation coverage dropped from 57% in 1995 to 53% in 1999.

The estimated cases of Guinea worm infection dropped from 394,082 in 1990 to 13,237 in 1999, representing a 96 per cent reduction. Only in two States of the Federation was dracuntiasis endemic. Constraints encountered in meeting adequate nutrition as well as water supply and basic sanitation – including the National Agricultural Policy, which outlined strategies for ensuring food security at the national level by increasing food production and development of strategic agricultural grains reserves – had had little impact on the levels of malnutrition. Often, projected agricultural outputs had not been met, and had little impact on the availability of food at household level; while inadequate storage facilities, difficulties in the distribution network and lack of adequate food processing and preservative facilities were also major constraints.

At the household level, inadequate food storage and preservation facilities militate against food security; and the ravaging poverty in the land and the high price of many basic food items reduce access to food by a large number of Nigerian households. Poor coverage for water supply and sanitation was linked with insufficient funding of operations and maintenance; lack of capital, uncompleted water projects and failure to initiate new ones. Other major factors were inefficient billing and collection of water revenue needed for operation and maintenance; inadequate monitoring and evaluation of performance; and reliance on estimates rather than actual figures for most of the data used in planning, resulting in poor targeting of resources.

Besides being a signatory to the Convention on the Rights of the Child, Nigeria also endorsed the Declaration adopted at the Dakar World Education Forum (April 2000) which, among other things, set as one of its goals, expansion and improvement of a comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children. As reported, since 1987, the country had been paying considerable attention to early childhood education as a basis for the healthy growth and all-round development of every citizen. The Federal Government's Blueprint on Basic Education (1999) emphasised the importance of early childcare as a prerequisite for a child's physical, cognitive and psychosocial development.

The strong official support which the Early Child Care and Development initiative received in Nigeria led to some significant changes. By 1996, the Federal Government had established 2,045 early childcare facilities, which were low cost, community based and participatory, in rural as well as poor urban areas. The initial target was 75,000 children in 10 selected States. Till the time of this report, over 400,000 children benefited from 7,379 early childcare facilities set up in 12 States of the Federation. Besides, over 15,000 parents and caregivers were informed through several mobilisation visits, awareness campaigns and workshops. Work towards these achievements was enhanced by assistance from local NGOs, the private sector (a grant from the Bernard Van Leer Foundation) and the international donor community (UNICEF, UNDP and UNESCO).

The tenets of the Convention on the Rights of the Child were infused into the curricula of early childcare and women's centres as well as into those of the primary schools. Similarly, culturally relevant readers, training manuals and guides were developed for use at childcare centres throughout the country. Also available was a reference text on child development in Nigeria, copies of which were distributed to the tertiary institutions that offer courses in pre-primary education. The National Policy on Education provided and had led to the adoption of measures to teach in local and

indigenous languages up to primary school level. However, this was difficult to implement in urban areas owing to the increasing number of children from different ethnic groups in Nigeria.

There were a number of measures put in place in Nigeria to improve the quality of education, including the teaching and learning environment, such as: The signing of an agreement recently by Government to assign 26% of its allocation to education; the textbook scheme for primary pupils which enabled them to borrow books and return them after use; renovation of primary schools at all LGAs; regular assessment of the quality of teaching in schools through inspectorate divisions established at both state and federal levels. Similarly, training and retraining of teachers was ongoing, while a lot of effort was being put into the recruitment of teachers. Education courses had been established at the primary-school level to enhance the quality of teachers and education secretaries had been nominated by local government chairmen to ensure quality education. Government also made the National College of Education diploma the minimum qualification for primary school teachers in Nigeria. At the state level, primary education boards were established to ensure regular payment of salaries for teachers while departments and units of guidance and counselling were established at Federal and State levels both for primary and secondary schools. Children in conflict with the law also had access to education either within the institution or outside; Children, especially girls who got pregnant and those who became victims of very serious ailments such as HIV/AIDS, tuberculosis, poliomyelitis, etc., and dropped out of school had the opportunity to continue when their conditions improved. Through Government intervention, Corporal punishment in Nigerian schools could only be carried out with the permission of the school head and must also be recorded. Organisations such as the World Bank, UNESCO, UNDP, UNICEF and other voluntary and philanthropic agencies had been assisting with projects, e.g. UNICEF child-friendly schools based in the communities/rural areas, which is aimed at improving the quality of education in Nigeria.

Despite these efforts, implementation was hampered by factors such as inadequate and late payment of teachers' salaries; decrease in the number of teachers taking opportunities for training and retraining; insufficient information on the available facilities; Education Secretaries were not sufficiently empowered, e.g. with funds and vehicles to carry out their work effectively. Other hindrances include inadequate number of schools for disabled children in Nigeria. To this regard, the level of support for those in existence was to be increased while training programmes for teachers in such special schools was to be stepped up. Lack of a data bank to reflect disaggregated data on children with regard to education investment, education outcomes by gender, age, rural/urban residence, and regional, ethnic and social origin was also part of the problem.

At the time of the report, literacy amongst women in Nigeria was still comparatively at a low level. Available statistics put the national adult literacy rate at 49% (MICS 1999), but while the male literacy rate stood at 58%, that of women was only 41%. Although this margin was smaller than the 62%:39% ratio in the NPC of 1998, it was still a cause of concern. Reducing the female illiteracy rate to 30.5% from an estimated 61% still remained a challenge. Data from MICS 1999 indicated that material education correlated with a wide variety of outcomes such as immunisation rates, early childhood education, child malnutrition and child mortality.

Increasing economic pressures also took their toll on women and had been forcing many of them to take up paid employment or engage in some income-generating activities. As a result, they had to make ad hoc arrangements for childcare while they were out. According to the Early Child Care survey conducted in 1995, 20% of such children were looked after by grandparents, 17% by older siblings, and 24% were in day-care facilities. Day-care facilities fell into two categories. These were the crèches/day-care centres for children aged 0-3 and the day nurseries for those aged 3½ to 5 years. In the first type of facility, where child stimulation should be the focus, experience showed that the child minders in the centres that were run by private proprietors were not always

knowledgeable enough about what they should be doing. Sometimes, toys were in short supply. A recognition of these deficiencies led to the setting up by each state government of a model play group/day nursery at the state capital. Some NGOs and religious groups also established similar facilities equipped with sufficient play objects and staffed with competent teachers. The Nigeria-UNICEF programme of cooperation consistently targeted this area of development. With regard to pre-school educational facilities, guidelines were laid down and fees are supposed to be reasonable. To this end, monitoring and supervision were being intensified to ensure compliance.

Children's involvement and participation in the implementation of programmes that concerned them were also a major focus. Through advocacy and mobilisation, negative cultural ideas about children were being eroded. Theatre groups, the mass media and other avenues were being employed to disseminate the message. Children and the youths themselves were fully involved in the reorientation process. Debates, symposia and essay competitions on topics relevant to their concepts of their place in the polity were among the approaches adopted. The gains that had been recorded in Nigeria over the past decade in the efforts to ensure the survival, protection and development of the child had been considerable, but some challenges still remained to be met. Despite poverty alleviation measures taken in the recent past such as liberalising women's access to loans and microcredit through such institutions as the People's Bank and community banks, the economic empowerment of women still remained a pressing concern.

With the loosening of extended family ties with the attendant adverse effects on children, Governments, NGOs, and religious and community-based organisations must intensify efforts aimed at offering a safety net to the helpless victims. In particular, children forced onto the street by family break-up, and deformed and disabled children (of whom other family members tend to feel ashamed) needed to be given a sense of worth. This was already being done through such private initiatives as the First Lady's Child Care Trust and the street children rehabilitation efforts of some NGOs, but more still remained to be done. For instance, reliable data on such children were still not available. However, encouraging women to acquire education – in the broadest sense – appeared to be the most effective approach to tackling the lingering problems of poor environmental sanitation, inadequate child nutrition and ignorance of childcare methods, or of the effects of such devastating diseases as HIV/AIDS. Besides, the rehabilitation needs of children who got involved in petty crimes, of disabled and street children still needed to be accorded greater attention within existing policies and laws. One way of doing this was for Government to build the capacity of NGOs involved in rehabilitation programmes.

Basic education in Nigeria is made up of formal and non-formal education. The formal aspect comprises six years of primary schooling and three years of schooling at the junior secondary level. Non-formal education comprises functional literacy classes for adults and adolescents who have dropped out of school or those who have never enrolled, with emphasis on girls. The curriculum is flexible and also covers numeric and life skills. Early childhood education (ECE) had since 1987 been a major focus even though the operation of this component was still largely in private hands. The National Programme of Action of the World Summit for Children envisaged that 25% of the estimated 21.4 million pre-school-aged children (0-5 years) would be reached by the end of the decade through the establishment of 17,200 day-care centres, crèches and nursery schools. Statistics showed that the percentages of boys and girls aged 36 to 59 months who were attending some form of organised early childhood education centre were similar: 18 and 19% respectively. However, there were significant regional and urban variations. For instance, whereas 39% of the girls attended such centres in the south-east, the north-east records 3%, according to the 1999 data. Similarly, 37% of children attended organised play groups in the urban areas but only 12% did so in rural areas.

There was a correlation between a mother's level of education and the attendance of her children at organised day-care centres. Of mothers who had themselves received no education, only 5% send their children to nurseries in contrast to 28% among mothers with primary education and 56% of mothers with secondary or higher education. What this obviously pointed to was that the level of a mother's awareness of the value of education was a determinant of her resolve to give her child a head start through enrolling her in a nursery school or a play group. With the re-launch of the UBE programme in September 1999, the civilian administration signaled its intention to overcome the policy somersaults and lack of political will that were the key factors that stalled the take-off of the programme in 1992. The programme sought to address the issues of access, retention, quality of service delivery and infrastructure.

It also considered the educational needs of under-served groups. The programme also had as a key goal the rising of the consciousness of the citizens towards the value of education. These objectives were in consonance with the goals set out in the National Programme of Action on the World Summit for Children, which included access to basic education and achievement for at least 80% of primary-school-age children and removal of all barriers to the active participation of women and girls in education.

As reported, in Nigeria, gender disparities were evident in the key areas of school enrolment, retention and completion. According to CSPD in Nigeria, key social statistics (NPC/UNICEF 1998), the average primary school enrolment for the 1995/96 school year for girls was 75% as against 86% for boys. However, when the average completion rate was considered, the picture for the same year was girls – 71%, and 68% for boys. The report considered it noteworthy that the completion rate for boys fell below the national completion average for that year, which was 69%. The phenomenon of boys in the five eastern States dropping out of school to become apprentice traders must have contributed to the imbalance. This disparity persisted, as evidenced by a recent survey which showed that 67% of the boys and 68% of the girls aged 10-15 years who had entered the first grade of primary school reached primary five.

It was when quality was considered that the Nigerian school – especially the primary school – presents a disturbing picture. In a 1997 study ("Monitoring of Learning Achievement") of primary four pupils, the national mean average in each of three key achievement tests was as follows: numeracy – 32%, literacy – 25%; and 37% for life skills. In each of the test areas, private school pupils outperformed their counterparts in public schools while urban schools did better than those in the rural areas. Obviously, the low pupil achievement levels could not be divorced from such factors as infrastructural facilities, teacher morale and frequency of supervision. Curriculum content and teacher competence were also relevant issues that had since engaged the attention of Government.

Measures taken to improve the quality of educational delivery included increasing the salaries of teachers (along with those of public service workers) and establishing of special science secondary schools in some states, with one state in the north setting up such a school especially for girls. In partnership with UNICEF and six other donor agencies, the Federal Government of Nigeria embarked on a child-friendly, rights-based school initiative. A child-friendly school was "a place where the learning environment was conducive, the staff were friendly to the children, and health and safety needs of the children were adequately met". The school was expected to be community based and to take cognisance of all the rights of all children. This innovation mobilised local community resources towards solving all the problems that had plagued schools in the area. These were: low access and retention, poor school environment, low pupil achievement and demoralised staff. A former Head of State had agreed to serve as the national patron.

The literacy situation in Nigeria had improved, for it had risen significantly from the 1985 levels of 30% for men to 58% for men and 41% for women in 1999 (sic.). The national average stood at 49% at the time of the report. The National Plan of Action sets the specific target of a reduction in illiteracy to at least half of its 1990 level, i.e., from 61% to 31%. The challenges that the literacy programme then faced centred round raising the national literacy rate and reducing the disparity between the female and male literacy rates. The non-formal education initiatives, which were part of the objectives of UBE, targeted young people, especially girls, who dropped out of school, and women who may never have had any schooling. Other potential beneficiaries were children of nomads and other migrant workers, children receiving a Koranic education i.e., Almajiris, and disabled children. The training and retraining of literacy instructors had gone on apace. Several states provided a safety net that enable the completers of the non-formal education programme to enter the formal school system.

The challenges that the programme faced included the following irregular attendance of some girls and women at classes; lingering reluctance of some husbands to release their wives to attend literacy classes and of fathers to release their daughters; inadequacy of instructional materials, arising from a paucity of operational funds; and the weak database on which the programme operated. There had been much greater awareness all over the country of the value of non-formal education. The role of the mass media in bringing this about was worthy of commendation. The resolve of the Nigerian Government was to make every citizen literate as soon as practicable. One clear way in which the commitment was being demonstrated was through increased budgetary allocations. According to figures obtained from the Federal Ministry of Finance, the Federal Government's budgetary allocation to education in 1990 was 5.5% of the total budget and 4.2% of the total expenditure. In 1995, these rose to 11.5% and 4.9% respectively. In 1996, 1997 and 1998, the percentages of total budgetary allocation to education were 10.8, 7.4 and 10.9 percent, respectively. While these allocations fall below the UNESCO prescribed minimum, it should be noted that they are supplemented with allocations by the state and local governments, disbursements from the Petroleum Trust Fund and the Education Tax Fund, and support from donor agencies.

In Nigeria the child's right to leisure, recreation and cultural activities were realised mainly through educational settings/environment. At primary, secondary, and tertiary levels, children engaged in activities such as inter-house sports, debating, essay competitions, excursions exchange programmes and holiday camping. The wives of office holders organised children's parties where children were encouraged to relax and interact with caregivers. Parks and recreational gardens established with the objective of promoting children's leisure and recreation were increasingly springing up in many states of the Federation and even at the community level.

At the Federal level, the Federal Ministry of Women Affairs and Youth Development, in collaboration with the National Council for Arts and Culture, in 1999 organised the first National Children's Festival for Arts and Culture, tagged NACHIFEST. The programme, which attracted children from all the states of the Federation, was instituted to promote the child's right to leisure, recreation and cultural activities. Cultural dances and displays, exhibitions of children's art, paintings and sculpture, drama sketches, poems, as well as moonlight and traditional games featured prominently at the festival. Various communities in Nigeria had diverse well-organised and coordinated cultural festivities which attracted people from both the rural and urban areas. The usual practice was for parents and guardians to take children to such festivities, which were staged mainly during the vacation and school-free periods.

Voluntary organisations in schools such as the Boy Scouts, Girl Guides, Red Cross, Brownies, etc. also provided opportunities for children who were members to engage in leisure, recreation and cultural activities. In spite of the above, as reported, there was a need to increase the awareness

and consciousness of Nigerians of the immense benefit of engaging and promoting the culture of leisure, recreation and play, particularly among children in rural and semi-urban areas. This would require additional funding and provision of facilities.

Several studies had confirmed children's involvement in communal or political violence either as victims or, unfortunately, as perpetrators of acts of murder, arson, burglary and theft. Children of 15 to 18 years, according to reports, had been actively involved in the recurring conflicts of Ogoniland, Ife-Modakeke, Ijaw/Itsekiri-Urhobo, Jukun-Dutes, Aguleri-Umuleri and during the more recent communal clashes in Shagamu, Kano, Kaduna and Lagos. Unfortunately, for many children, such communal conflicts resulted in the loss of their parents, abandonment, disabling injuries and, in many more cases, loss of life and property, which added to displacement, living like refugees in army barracks and having to relocate, and in the process losing school time.

There were ongoing initiatives to foster conflict-resolution mechanisms in communities by NGOs such as the African Refugee Foundation, the Federation of International Women Lawyers, Space 2000, the USAID/Office of Transitional Centre for African Peace Initiatives, and the proposed ECOWAS Child Protection Unit to enhance the protection rights of children and women during communal conflicts. As a result of the increased frequency of communal conflicts and other humanitarian challenges in Nigeria with their direct and indirect effects on children and women, the need for better emergency preparedness was becoming increasingly urgent. Sentinel centres for monitoring violence before it reached children were being established by both Government and NGOs. For example, Government had established the National Emergency Management Agency (NEMA) to respond to the needs of internally displaced persons, including children.

To a large extent, the experience in Nigeria concerning refugee children was one in which they accompanied their parents or adult relatives as a result of conflicts in the West African sub region. Nigeria had established camps for these refugees where the basic welfare of refugee children was being addressed. Schools, recreational facilities and medical facilities had either been established in the refugee camps or were available in the neighbouring communities. Indeed, professionals among the refugees had been organised to provide, with their Nigeria counterparts, education, and training in arts and crafts, recreational facilities and health care to the children as well as their parents.

However, institutional mechanisms that were in place and expected to be the main focal point of addressing emergency preparedness issues needed to be strengthened in terms of funding, training of personnel and provision of facilities that are adequately tailored towards meeting the needs of refugee children and children in situations of emergency. Agencies like the National Refugee Commission and NEMA should not be restricted to their perceived mandate of intervening exclusively only in crises.

The Penal Code and the Children and Young Person's Law (CYPL), which was still in force, was explicit on the handling of cases of children ranging from arrest to detention as well as appropriate sanctions/punishment. It was also emphasised that the draft Children's Bill, which was expected to be passed, adequately provided for effective juvenile justice administration in Nigeria. Childcare institutions such as borstals, remand homes and juvenile centres existed in the various States of the Federation. However, the borstal in Kaduna and that of Illorin, which was yet to be fully operational, were grossly inadequate to cater for the increasing number of children who required such facilities. It was also on record that these childcare institutions were in dire need of modern equipment and facilities, while the social workers who managed and cared for the children required training and refresher courses, as well as better remuneration. At the moment, however, various orientation and sensitisation training programmes were being packaged and implemented to update the knowledge of various categories of professionals such as social workers, judicial officers, prison and immigration officers and other paramilitary cadres on the administration of juvenile justice. Government

ministries/agencies responsible for child welfare/development, the Human Rights Commission, prominent child-focused NGOs as well as United Nations agencies were collectively involved in these efforts.

According to the report, children who were especially disadvantaged included those who were not living with their biological parents, orphans, and those who were subjected to hazardous work. Qualitative and quantitative studies in Nigeria as well as media exposés had indicated gross abuse of children's rights and widespread recourse to corporal punishment. The problem of domestic abuse had been exacerbated by urbanisation and growing poverty which had not only increased the strains on families' caring capacity, but had also eroded the traditional extended family mechanisms for providing mutual support and checking abuse. Child trafficking and sexual exploitation of children and minors were on the increase. Public enlightenment and sensitisation programmes on the situation of children, particularly with regard to abuses and exploitation, had been stepped up by Government, NGOs and the media. Child rights monitoring centres as well as legal aid for social services units were in all the states of the Federation. Several states had passed laws and acts which provided stiff penalties for violations against children in cases that involve trafficking, prostitution, sexual abuse, withdrawal of girls from school and hawking.

Other notable achievements worthy of mention included the following:

- a) The memorandum of understanding signed on 8 August 2000 between the Federal Republic of Nigeria and ILO, which had launched the ILO-IPEC country programme, a multi-sectorial integrated approach to the elimination of child labour in the country. The direct beneficiaries would be about 3,000 child workers who would be mainstreamed into regular formal and non-formal educational programmes and vocational training;
- b) Nigeria's participation in the ILO-IPEC regional programme on combating trafficking of children for labour exploitation in West and Central Africa;
- c) The encouraging response to and increasing knowledge of trafficking – A number of NGOs and religious bodies had started responding to the problem. For example, in Benin City, Edo State, a tripartite coalition had emerged between a religious NGO (Sisters of Mercy), the Association of Catholic Lawyers and the African Women Empowerment Group to find solutions to the problem. Of particular note was the efforts of the Women Trafficking and Child Labour Eradication Foundation (WOTCLEF); and
- d) The national inter-sectorial plan of action on child trafficking and exploitation prepared by the Federal Ministry of Women Affairs and Youth Development.

However, certain provisions of the Nigerian Labour Act that derived from the International Labour Act and that exposed young persons in domestic service to exploitation and abuse had been critically reviewed by the Government with a view to making these provisions child friendly. At the time of this report, Nigeria was yet to ratify some of the international instruments relating to the protection of children such as the two Optional Protocols to the Convention, but efforts were being made to ensure that these Protocols were ratified soon.

10.5: Concluding Observations of the Second Periodic Report of Nigeria

The Committee considered the second periodic report of Nigeria at its 1023rd and 1024th meetings held on 26 January 2005, and adopted at the 1025th meeting held on 28 January 2005. The concluding observations of the Committee on Nigeria's report follow in the succeeding paragraphs. The Committee welcomed the State party's second periodic report, although it was submitted with considerable delay, and the written replies to its list of issues (CRC/C/Q/NGA/2). The Committee

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noted with appreciation the high-level inter-ministerial delegation sent by the State party and welcomed the open and frank dialogue that took place, as well as the participation of the speaker of the Children's Parliament which gave a clearer understanding of the situation of children in the State party.

The Committee welcomed the initiatives taken by Nigeria to reform its laws relating to children to bring them in line with the requirements of the Convention, in particular the adoption of the Child Rights Act in May 2003. In addition, the Committee noted the adoption of the following laws aimed at enhancing the implementation of the Convention: The Anti-Human Trafficking Law, in July 2003; and Various State legislations addressing child rights, including the Ebonyi State Law on the Abolition of Harmful Traditional Practices Affecting the Health of Women and Children (2001); Edo State Female Genital Mutilation Prohibition Law (2000); Edo State Criminal Code (Amendment) Law (1999); and Cross River State Girl-Child Marriages and Female Circumcision (Prohibition) Law (2000).

The Committee welcomed the establishment of the Children's Parliament in Nigeria both at the state and national level and of the Child Rights Information Bureau (CRIB) in the Ministry of Information. It likewise welcomed the ratification of the 1973 ILO Convention No. 138 concerning Minimum Age for Admission to Employment and the 1999 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour by the State party in October 2002. The Committee noted with appreciation the ratification of the African Charter on the Rights and Welfare of the Child by the State party in July 2001.

The Committee acknowledged challenges faced by the State party, namely the long-standing ethnic, religious and civil strife, economic constraints including poverty, unemployment and the heavy debt burden, which may have impeded progress to the full realisation of children's rights enshrined in the Convention. The Committee regretted that many of the concerns and recommendations (CRC/C/15/Add.61) it made upon consideration of the State party's initial report (CRC/C/8/Add.26) had been insufficiently addressed, especially those regarding the mainstreaming of customary law and regional and local legislation (para. 27), allocation of resources (paras. 28 and 33), training and awareness-raising on children's rights (para. 30), data collection (para. 31), non-discrimination (para. 34), children with disabilities (para. 35), harmful traditional practices (para. 36), health-care services (para. 37), education (para. 38), juvenile justice (para. 39), abuse and neglect (paras. 40 and 43), economic exploitation (para. 41) and sexual exploitation (para. 42).

The Committee urged the State party to make every effort to address those recommendations contained in its concluding observations on the initial report that had not yet been implemented, and to address the list of concerns contained in the present concluding observations on the second periodic report. But while noting that 20 states were in the process of enacting the 2003 Child Rights Act (CRA), it remained concerned that, only 4 out of 36 states had enacted the CRA. The Committee was also concerned that many of the existing legislation at federal, State and local level in the State party, in particular the religious and customary laws, did not fully comply with the principles and provisions of the Convention. On this, the Committee recommended that the State party engage all efforts and resources necessary for the effective implementation of the rights and principles enshrined in the Child Rights Act, and ensure as a matter of priority that the Act was duly adopted in all states. The Committee further urged the State party to take all necessary measures to ensure that all of its domestic and customary legislation conformed fully to the principles and provisions of the Convention, and ensure its implementation.

While noting the existence of the Department of Child Development in the Ministry of Women's Affairs and Social Development and the National Child Rights Implementation Committee (NCRIC) as bodies entrusted with the responsibility of monitoring compliance with the Convention, the Committee was seriously concerned about the apparent lack of coordination among national and

state level authorities on strategies, policies and programmes affecting children. Another area of concern was the serious lack of resources allocated to the Department of Child Development in the Ministry of Women's Affairs and Social Development and the National Child Rights Implementation Committee, as well as the lack of authority vested in these bodies. To redress these, The Committee recommended that the State party take all necessary measures to establish an effective body or structure for the coordination of the implementation of the Convention with adequate resources and appropriate authority, strategy and plans.

The Committee also recommended that the Department of Child Development in the Ministry of Women's Affairs and Social Development and the National Child Rights Implementation Committee be strengthened and given adequate financial support, to ensure their effectiveness. The Committee welcomed the development of a National Plan of Action, but was concerned that it was limited and did not cover all areas of the Convention. The Committee recommended the State party to develop a more comprehensive, rights-based National Plan of Action with the time frame up to 2015, which covered all areas of the Convention and incorporated the objectives and goals of the outcome document entitled: "A World Fit for Children" of the 2002 United Nations General Assembly Special Session for Children, as well as the Millennium Development Goals. It urged the State party to allocate sufficient human and economic resources for the implementation and use a participatory approach, involving NGOs and children in this exercise.

The Committee welcomed the existence of the National Human Rights Commission (NHRC) in Nigeria and its regional offices and the appointment of a Special Rapporteur on Child Rights within the NHRC. However, the Committee remained concerned that the mandate of the NHRC did not provide for sufficient resources to deal with children's rights and individual complaints. The Committee also appreciated the efforts undertaken by the State party to inform the general public and children in particular about the NHRC and the Special Rapporteur on Child Rights, but was concerned that the number of cases involving children was quite limited.

The Committee recommended the State party to further strengthen the activities of the NHRC and the Special Rapporteur on Child Rights in accordance with the Committee's general comment No. 2 on national human rights institutions and the Paris Principles (General Assembly resolution 48/134, annex), by, inter alia, providing it with adequate human and financial resources and by enhancing the Special Rapporteur's capacity to deal with complaints from children in a child-sensitive and expeditious manner, as well as ensuring his/her accessibility, e.g. through establishment of a special toll-free telephone hotline for children.

The Committee, though aware of the economic difficulties facing the State party due in part to the widespread corruption, and the generally uneven distribution of resources, remained concerned that its welfare system was under tremendous resource strain. In particular, the Committee was greatly concerned over the severe lack of financial resources allocated to the protection and promotion of children's rights. With a view to strengthening its implementation of article 4 of the Convention and in the light of articles 2, 3 and 6, the Committee recommended that the State party prioritise, as a matter of urgency, budgetary allocations and efficient budget management, to ensure the implementation of the rights of children to the maximum extent of available resources, where needed, within the framework of international cooperation.

While noting that some data-collection efforts were made by the State party, in particular, the new initiative to develop databases on children in need of special protection, the Committee remained concerned at the absence of comprehensive and up-to-date statistical data in the State party's report and the inadequate national data collection system on all areas covered by the Convention that allows for disaggregated data analysis. The Committee reiterated that such analysis was crucial for

the formulation, monitoring and evaluation of progress and impact assessment of policies with respect to children.

The Committee recommended that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, urban/rural area and by regions/states. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable. It further urged the State party to use these indicators and data in the formulation of laws, policies and programmes for the effective implementation of the Convention. The Committee recommended that the Nigerian Government seek technical assistance from, inter alia, UNICEF and ILO in this regard.

While taking note of the efforts made by the State party to disseminate the principles and provisions of the Convention, including the work of the Child Rights Information Bureau (CRIB), the Committee was of the view that these measures needed to be strengthened. The Committee was also concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

To this regard, it recommended that the State party: Strengthen its efforts to ensure that the provisions of the Convention were widely known and understood by adults and children alike; systematically involve community leaders in sensitisation programmes to combat certain harmful traditional practices and customs which may have negative bearings on the full implementation of the Convention; undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers; introduce human rights education including the rights of the child, into the school curricula, beginning in primary schools; and seek technical assistance from, among others, the Office of the High Commissioner for Human Rights and UNICEF.

While noting that the Child Rights Act provides a clear definition of the child, the Committee expressed concern over the wide variety of minimum ages that existed in the states of the State party, including unclear definitions of the child, and opined that many of these minimum ages were too low. In order to improve the situation, it reiterated its recommendation (para. 12) that the State party should undertake all possible measures to have the Child Rights Act enacted in all states, and urged the State party to continue and strengthen its efforts to further harmonise the various minimum ages and/or definitions in its domestic legislation and set them at an internationally acceptable level.

While noting that discrimination was prohibited under the Constitution, and that the drafting of an Anti-Discrimination Bill was under way, the Committee regretted the absence of concrete information on the actual enjoyment of the principle of non-discrimination by children in Nigeria. It also reiterated its previous concern that children belonging to vulnerable groups, including girls, children living in poverty, children born out of wedlock, children with disabilities and children belonging to minority groups continued to face serious and widespread discrimination. The Committee was also concerned that given the State party's position that social and ethnic tension, racism and xenophobia were minimal in her jurisdiction (para. 40, periodic report), the State party found it unnecessary to take any initiatives to prevent and combat racial discrimination.

The Committee recommended that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination, and to adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all rights set out in the Convention without discrimination, in accordance with Article 2. The Committee requested that

specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of general comment No. 1 on Article 29 (1) of the Convention (aims of education).

In the context of the respect for the inherent right to life of a person under 18, the Committee expressed grave concern over the applicability of the death penalty to persons below 18 under the Sharia law, and emphasised that such a penalty was a violation of articles 6 and 37 (a) of the Convention. It urged the State party to abolish by law the imposition of the death penalty for crimes committed by persons under 18 years of age and replace the already issued death sentences for persons under 18 with a sanction in accordance with the Convention.

While noting the existence of institutional structures whose objectives were to ensure the best interests of the child and respect for the views of the child such as Children's Clubs in schools and the Children's Parliament at the national level, the Committee was concerned that two general principles of the Convention, as laid down in articles 3 and 12 were not fully applied and duly integrated into the implementation of the policies and programmes of the State party. Given the prevalence of the traditional views on the place of children in the hierarchical social order, the Committee was equally concerned that children's opinions were not given sufficient consideration and that respect for the views of the child remains limited within the family, at schools, in the courts and before administrative authorities and in the society at large.

It therefore encouraged the State party to pursue its efforts to ensure implementation of the principles of the best interests of the child and respect for the views of the child. In this connection, the Committee recommended the State party to fully support the functioning and further development of the Children's Parliament, both at the national and state levels, and to promote the full implementation of the right of the child to participate actively in the family, at school, within other institutions and bodies, and generally in society. The general principles should also be incorporated in all policies and programmes relating to children. Awareness-raising among the public at large as well as educational programmes on the implementation of these principles should be reinforced.

While acknowledging the work of the National Population Commission and the African Refugee Commission whose mandate includes birth registration, the Committee was alarmed that the low rate of birth registration, in particular in rural areas, was a reflection of the generally low awareness among parents of the importance of birth registration and its consequences on the full enjoyment of fundamental rights and freedoms by children, in particular, access to education and health, and the right to know and be cared for by parents. It also noted that the birth registration of children of foreign parents and refugee parents can be problematic. In the light of Article 7 of the Convention, it urged the State party to adopt a short-term as well as a long-term approach in its strengthened efforts to ensure the registration of all children at birth, including through the development of mobile registration units and increased outreach activities and awareness-raising campaigns for families, birth attendants and traditional leaders. The Committee further recommended that the State party ensure coordination between relevant ministries and institutions involved in birth registration processes, and provide necessary social infrastructure to facilitate birth registration in rural communities. Meanwhile, children who had no birth registration should be allowed to access basic services, such as health and education, while preparing to be registered properly.

In addition, it noted that article 221 of the Child Rights Act prohibits corporal punishment in judicial settings, and that a ministerial note had been sent to schools notifying them of the prohibition of corporal punishment in schools. Nevertheless, in light of article 19 of the Convention, it remained

concerned that corporal punishment was still widely practised in the penal system as a sanction, as well as in the family, in schools and in other institutions. Of particular concern to the Committee were Articles 9 and 11 (2) of the Children and Young Persons Law which provides for the sentencing of juvenile offenders to whipping and corporal punishment; Article 18 of the Criminal Code which provides for whipping; Article 55 of the Penal Code which provides for the use of physical corrective measures; Sharia legal code to children prescribing penalties and corporal punishment such as flogging, whipping, stoning and amputation, which were sometimes applied to children; and Legal provisions that tolerated, if not promote, corporal punishment at home, in particular Article 55 (1) (a) of the Penal Code and Article 295 of the Criminal Code.

The Committee recommended that the State party abolish or amend all legislation prescribing corporal punishment as a penal sentence, in particular the Children and Young Persons Act; expressly prohibit corporal punishment by law in all settings, in particular in the family, schools and other institutions; and conduct awareness-raising campaigns to ensure that positive, participatory, non-violent forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially Article 28 (2) as an alternative to corporal punishment at all levels of society.

Given the large number of working mothers who required childcare in the State party, the Committee was concerned with the quality of childcare provided in private and public day-care facilities. The Committee also noted with concern that there were no measures in place to support single parents. The Committee was also concerned by the lack of resources in these facilities to enable full physical, mental and intellectual development of children. The Committee recommended that the State party adopt a programme to strengthen and increase capacities of childcare facilities in the State party, inter alia, through the strengthening of existing structures including childcare centres and extended families. The Committee recommended that appropriate training be given to all professionals working with children in childcare facilities and that sufficient resources are allocated to public childcare facilities. It further urged the State party to establish standards and procedures, guaranteed in legislation, for alternative care, including in the areas of health, education and safety and in accordance with the principles and provisions of the Convention. The Committee recommended that the State party seek assistance from UNICEF in this regard.

In view of the information that cases of abandoned children were common and that the number of HIV/AIDS orphans was rapidly increasing, the Committee was concerned that the State party did not have a comprehensive and well-resourced policy programme in place for the protection of orphans, and that facilities available for the alternative care of children deprived of their family environment were qualitatively and quantitatively insufficient and many children did not have access to such assistance. In addition, it expressed concern at the lack of appropriate training of staff and of a clear policy regarding the review of placements of children in alternative care. In addition, the Committee was concerned that children themselves were not heard prior to and during their placement.

The Committee recommended that the State party: Urgently adopt a programme to strengthen and increase alternative care opportunities for children including, inter alia, introduction of effective legislation, reinforcement of existing structures like the extended family, improved training of staff and allocation of increased resources to relevant bodies; establish standards and procedures, guaranteed in legislation, for alternative care, including in the areas of health, education and safety and in accordance with the principles and provisions of the Convention. Other recommendations included systematising the hearing of the views of the child concerning his/her placement; provision for regular periodic review of the placement of children in institutions; ratification of the Convention

on the Protection of Children and Cooperation in Respect of Inter-country Adoption that was adopted in 1993 at The Hague and seek assistance from UNICEF in this regard.

The Committee was deeply concerned about: Traditional and discriminatory attitudes and behaviour towards women and children, contributing to violence, abuse, including sexual abuse, neglect, killing, torture and extortion; the generally high level of acceptance of domestic violence among law enforcement officials and court personnel; and the inadequacy of measures taken by the State party to prevent and combat violence, abuse and neglect against women and children. It urged the State party to strengthen considerably its efforts to prevent and combat violence in society, including violence against women and children in the context of the family, as well as in schools and other environments.

To this regard, the Committee recommended that the State party take the following specific actions: Carry out public education campaigns about the negative consequences of violence and ill-treatment of children and promote positive, non-violent forms of conflict resolution and discipline, especially within the family and in the educational system and in institutions. It also implored the State party to take all legislative measures to prohibit all forms of physical and mental violence, including sexual abuse against children in all contexts in society, as well as take effective measures for the prevention of violent acts committed within the family, in schools and by the police and other state agents, making sure that perpetrators of these violent acts were brought to justice, thereby putting an end to the practice of impunity. It further called on the State party to give attention to addressing and overcoming socio-cultural barriers – especially the submission and acceptance of maltreatment on the part of girls and women, which inhibited them from seeking assistance; Provide care, recovery and reintegration for child victims of direct or indirect violence and ensuring that the child victim is not re-victimised in legal proceedings and that his/her privacy was protected; Train parents, teachers, law enforcement officials, care workers, judges and health professionals in identification, reporting and management of ill-treatment cases, using a multidisciplinary approach; Use as a guidance for further actions the recommendations of the Committee adopted on its days of general discussion (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745); and seek assistance from, among others, UNICEF and WHO.

The Committee reiterated its previous concern at the widespread discrimination against children with disabilities, both within the family and in society in general, especially in rural areas, and noted that many of the causes of disability in Nigeria were preventable. Of particular concern to it were the lack of comprehensive government policy specifically addressing the rights of disabled children, poor quality in the delivery and management of services for children with disabilities and the lack of sufficient funding for such services. It was similarly concerned about the limited number of trained teachers and professionals working with children with disabilities, as well as the insufficient efforts made to facilitate their inclusion in the education system and the society in general.

In the light of the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), the Committee recommended that the State party:

- (a). Undertake a comprehensive study to assess the situation of children with disabilities in terms of their access to suitable health care, education services and employment opportunities;
- (b). Establish a comprehensive policy for children with disabilities and allocate adequate resources to strengthen services for them, support their families and train professionals in the field;

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- (c). Reinforce its efforts to develop early detection programmes to prevent disabilities;
- (d). Encourage the integration of children with disabilities into the regular educational system and their inclusion in society, inter alia by giving more attention to special training for teachers and making the physical environment, including schools, sports and leisure facilities and all other public areas accessible for children with disabilities;
- (e). Undertake awareness-raising campaigns to sensitise the public about the rights and special needs of children with disabilities, as well as children with mental health concerns; and
- (f). Seek technical cooperation for the training of professional staff, including teachers, working with and for children with disabilities from, among others, UNICEF and WHO.

The Committee took note of efforts made by the State party to improve its health system, including the Baby Friendly Hospital Initiative and the Integrated Management for Childhood Illness, as well as the establishment of the National Programme on Immunisation Agency. Nevertheless, the Committee remained gravely concerned at the alarming high rate of infant, child and maternal mortality; the high incidence of major illnesses affecting children, including polio, malaria and diarrhoea as well as the low rate of immunisation coverage in the country, particularly in the northern regions; malnutrition; and the low rates of exclusive breastfeeding. The Committee was also concerned at the very low level of knowledge among mothers on basic health issues, such as the administration of oral rehydration solutions (ORS) for diarrhoea. The Committee, while acknowledging the adoption of a new National Water Supply and Sanitation Policy, also remained concerned over the access to safe drinking water and sanitation, particularly in rural areas.

The Committee recommended that the State party to a. Address, as a matter of urgency, the very high mortality rates among infants, children and mothers, by, inter alia, stepping up the immunisation programmes and improving ante- and post-natal care; b. Continue taking all appropriate measures to improve the health infrastructure, particularly in rural areas, including through international cooperation, in order to ensure access to basic health care and services which are adequately staffed and stocked with appropriate resources, including basic medicines for all children; c. Take measures to introduce awareness-raising programmes for women, on the importance of, inter alia, prenatal and post-natal health care, preventive measures and treatment for common illnesses, immunisation and balanced diet for the healthy development of children; d. Strengthen her data collection system, inter alia, with regard to important health indicators, ensuring timeliness and reliability of both quantitative and qualitative data and using it for the formulation of coordinated policies and programmes for the effective implementation of the Convention; and e. Ensure universal access to drinking water and sanitation services.

The Committee was further concerned that insufficient attention was given to adolescent health issues by the State party, including developmental, mental and reproductive health concerns, as it was with the high proportion of teenage pregnancies in the State party. To this regard, it recommended that the Nigerian Government: a). Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the full participation of adolescents, use this as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of sexually transmitted infections (STIs), especially through reproductive health education and child-sensitive counselling services, and take into account the Committee's general comment No. 4 (2003) on adolescent health and development (CRC/GC/2003/4) in this regard; b). Further strengthen developmental and mental health counselling services as well as reproductive health counselling and make them known and accessible to adolescents; and c). Continue to work with international agencies with expertise in health issues relating to adolescents, inter alia.

The Committee welcomed the efforts made by the State party to prevent and control HIV/AIDS including the establishment of the National Action Committee on AIDS, as well as the introduction of testing, counselling and Preventing Mother-to-Child Transmission (PMTCT) in some areas. However, it remained concerned about the high incidence of the infection and its wide prevalence in Nigeria, as well as the lack of knowledge, especially among women on modes of transmission and prevention of HIV/AIDS. The Committee was deeply concerned at the serious impact of HIV/AIDS on the cultural, economic, political, social and civil rights and freedoms of children infected with or affected by HIV/AIDS, including the Convention's general principles and with particular reference to the rights to non-discrimination, health care, education, food and housing, as well as to information and freedom of expression. The Committee was also particularly concerned that according to UNAIDS estimates, there were over 1 million AIDS orphans in the country, making Nigeria the country with the highest number of AIDS orphans worldwide.

The Committee recommended that the State party continue its efforts in preventing the spread of HIV/AIDS and providing treatment, and further integrate respect for the rights of the child into the development and implementation of its HIV/AIDS policies and strategies on behalf of children infected with and affected by HIV/AIDS, as well as their families, taking into consideration the recommendations the Committee adopted at its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243), and involve children and traditional leaders when implementing this strategy.

While acknowledging that the minimum age of marriage was set federally at 18 years, it noted with concern that the legislation of most states and the customary law allows for early marriages, and girls could be forced into marriage as soon as they reached puberty. Of particular concern to it were the reports of a large number of young women suffering cases of vesico-vaginal fistula, a condition caused by giving birth when the cervix was not well developed. The Committee was further concerned that immature girls, once married, were not afforded protection and that the enjoyment of their rights as children was not ensured as enshrined in the Convention.

It therefore recommended that the State party amend existing legislation to prevent early marriages, and that the State party take measures to ensure that when underage girls were married, they continued fully enjoying their rights as set out in the Convention. The Committee also recommended that the State party develop sensitisation programmes, involving community and religious leaders and society at large, including children themselves, to curb the practice of early marriages. The Committee welcomed the introduction of a bill on violence against women in Parliament in May 2003, aimed to prohibit forms of violence such as harmful traditional practices and domestic violence, including marital rape. However, it reiterated its concern at the widespread and continuing existence of harmful traditional practices in the State party, most notably the practice of female genital mutilation, as well as scarification and ritual killing of children which posed very serious threats to children, the girl children in particular.

The Committee was concerned at the lack of legal prohibition and sufficient interventions on the part of the State party to address harmful traditional practices, and the lack of support services available to protect girls who refused to undergo FGM and of services to rehabilitate girl victims of the practice. It recommended that the State party, as a matter of urgency, take all necessary measures to eradicate all traditional practices harmful to the physical and psychological well-being of children by strengthening awareness-raising programmes. In similar vein, it further recommended that the State party adopt federal legislation prohibiting such practices and encourage further legal changes at the state level, particularly with respect to female genital mutilation. It also called on the State party to introduce measures to provide support for girls at risk and girls who refused to undergo FGM, and provide recovery services for victims of this harmful traditional practice.

In view of the high proportion of children living in poverty in the State party, the Committee noted with concern the lack of reliable information regarding the coverage of the social security plans in place vis-à-vis the needs of children and their families. The Committee reiterated that such data was crucial for the monitoring and evaluation of progress achieved and impact assessment of policies with respect to children. The Committee was also concerned that the social security system currently in place in the State party was not in full compliance with Article 26 of the Convention. The Committee also recommended that the State party upgrade its system of data collection on the coverage of the social security plans currently in place, and ensure that all data and indicators were used to evaluate and revise these plans whenever necessary; and make efforts to revise or/and establish a social security policy with a clear and coherent family policy in the framework of poverty reduction strategy, as well as effective strategies for using the social safety net benefits to further the rights of children.

The Committee commended the State party for giving education the highest priority in her annual budget. It also noted with appreciation the initiatives of some state governments that facilitate children's access to education to increase school enrolment, including the school meal plus programme and the development of the Strategy for Acceleration of Girls' Education in Nigeria (SAGEN). The Committee also welcomed efforts made by the State party, in cooperation with the civil society, to implement early childhood education programmes. However, in the light of the Committee's general comment No. 1 on Article 29 (1) of the Convention (aims of education), it remained concerned about the various number of problems in the State party's education system. These included: Unavailability in many parts of Nigeria of free, compulsory and universal primary education, despite the constitutional guarantee; high illiteracy, particularly among girls and women; Generally low level of, and regional disparities in the quality of education in the State party, especially with regard to resources, facilities and the quality of teaching; Gender and regional disparities in school enrolment; High levels of absenteeism and school dropout rates, in part due to school fees which constituted a burden to parents in sending children to schools; Mandatory requirement by law in some states of segregation of boys and girls in schools; and Segregation of refugees and displaced children in separate schools from other children.

The Committee recommended that the State party to (a). Take appropriate measures, in order to ensure that at the least, primary education is compulsory, free and universal for all children; (b). Prioritise equal accessibility to educational opportunities for girls and boys from urban and rural areas; (c). Take necessary measures to remedy the low quality of education and to ensure better internal efficiency in the management of education; (d). Build better infrastructure for schools and provide quality training for teachers; (e). Seek to further implement participatory measures to encourage children to stay in school during the period of compulsory education; (f). Take additional steps, including non-formal education programmes, to address the high illiteracy rates; (g). Ensure that children who drop out of school and pregnant teenagers are provided with the opportunity to resume their studies; (h). Ensure that education opportunities are provided for children suffering from HIV/AIDS; (i) Ensure that refugee and asylum-seeking children are placed in schools in the local community, to facilitate their integration; (j) Increase availability of vocational training programmes for young people, in particular, for girls, with the view to facilitate their access to the labour market, and in this connection, ratify the 1989 UNESCO Convention on Technical and Vocational Education; and (k) Seek further assistance technical assistance from UNICEF and UNESCO, among others.

The Committee noted that communal clashes linked to political, religious and ethnic differences had led to a large population of internally displaced persons in the State party, and that Nigeria was a host to a large group of refugees from neighbouring countries such as Chad, Sierra Leone and Liberia. The Committee was concerned about the situation of refugee and internally displaced

children living in refugee camps, and regretted the paucity of information with regard to these children in the State party report and the State party's position that the issue of asylum-seeking children did not arise in Nigeria. The Committee was particularly concerned about reports of sexual exploitation of refugee girls and women within and outside of the camps, including female teenagers who were forced into prostitution, and the high incidence of teenage pregnancy in the camps.

Concerning these, the Committee recommended that the State party endeavour, as a matter of priority, to ensure that all displaced and refugee children and their families have access to health and education services, and that all their rights contained in the Convention were protected, including the right to be registered at birth; take measures to ensure that appropriate reproductive health education and child-sensitive counselling services were provided to adolescents living in camps; take immediate measures to ensure that all displaced and refugee women and children were protected from all forms of sexual abuse and exploitation and that perpetrators were duly prosecuted; Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; Include in its next periodic report detailed information pertaining to the situation of refugee and internally displaced children, including unaccompanied minors; and Continue its collaboration with, among others, UNHCR.

The Committee was deeply concerned by the impact of communal conflicts on children in Nigeria and alarmed by the reports of indiscriminate extrajudicial killings in these conflicts, where children as well as adults were routinely shot to death and burnt. It also expressed equal concern over the direct effects of this violence on child victims, including child combatants, and the severe physical and psychological trauma inflicted upon them. The Committee noted that the State party had signed but not yet ratified the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

The Committee recommended the State party take all possible measures to prevent the occurrence of communal conflicts, and develop a comprehensive policy and programme for implementing the rights of children who had been affected by conflict as well as allocate human, technical and financial resources accordingly. In particular, it recommended that the State party: Develop, in collaboration with NGOs and international organisations, a comprehensive system of psychosocial support and assistance for children affected by conflict, in particular child combatants, unaccompanied IDPs and refugees, returnees. It also directed those effective measures be taken to ensure that children affected by conflict are reintegrated into the education system, including through the provision of non-formal education programmes and by prioritising the restoration of school buildings and facilities and provision of water, sanitation and electricity in conflict-affected areas. It further recommended that Nigeria Ratify the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict as a matter of priority.

The Committee acknowledged the efforts made by the State party to combat drug abuse, trafficking and drug-related violence, but remained concerned at the high incidence of substance abuse by children in Nigeria, including the use of cannabis, psychotropic substances, heroin, cocaine and volatile organic solvents, as well as abuse of local plants. The Committee was also concerned by the reports of the increasing involvement of young people in drug-related crimes and the lack of specific legislation prohibiting the sale, use and trafficking of controlled substances applying children, and also of treatment programmes in this regard.

The Committee recommended that the State party undertake a comprehensive study to assess the nature and extent of drug abuse by children, and to act to combat the phenomenon, including through general poverty reduction strategies and public education awareness campaigns. It also encouraged the State party to ensure that children who abused drugs and substances had access to effective structures and procedures for treatment, counselling, recovery and reintegration, and

further recommended that the State party seek cooperation with, and assistance from, WHO and UNICEF in handling these.

In view of the increasing number of children living and working on the street and street families, the Committee regretted the lack of information about specific mechanisms and measures to address their situation. Its recommendations on these are that the State party: Undertake a comprehensive study on the causes and scope of this phenomenon and establish a comprehensive strategy to address the high and increasing number of street children with the aim of preventing and reducing the occurrence; Ensure that street children were provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development; and Ensure that street children who are victims of physical, sexual and substance abuse should be provided with recovery and reintegration services, protection from police brutality; and services for reconciliation with their families and community. It also advised the State party to undertake a study on the causes and scope of this phenomenon and establish a comprehensive strategy to address the high and increasing number of street children with the aim of preventing and reducing its occurrence. The Committee was of the view that implementation of the existing legislation was ineffective, and was deeply concerned that the number of children who fell victim to sexual exploitation was on the increase in the State party.

The Committee also noted with concern that reports of sexual assaults and rape of young girls were on the increase, especially in the north, and expressed concern that children who were victims of sexual exploitation often did not receive adequate protection and/or recovery assistance, but may even be treated as perpetrators of a crime. The Committee recommended that the State party: Undertake a comprehensive study to examine the sexual exploitation of children and child pornography to gather accurate data on its prevalence; Take appropriate legislative measures and develop an effective and comprehensive policy to prevent and combat sexual exploitation of children and child pornography, including the factors that placed children at risk of such exploitation. It also recommended that the State party train law enforcement officials, social workers and prosecutors on how to receive, monitor, investigate and prosecute cases in a child-sensitive manner that protects children and respects the privacy of the victim; prioritise recovery assistance and ensure that education and training as well as psychosocial assistance and counselling were provided to victims, and that victims that could not return to their families were provided with adequate alternative solutions and were institutionalised only as a last resort. The Committee further advised that law enforcement officials should stop criminalising child victims of sexual exploitation in all circumstances; and implement appropriate policies and programmes for the prevention; recovery and reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

The Committee noted with appreciation the State party's ratification of the ILO Convention No. 138 concerning Minimum Age for Admission to Employment and the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in October 2002. However, it remained concerned at the significant number of children in Nigeria working as domestic servants, in plantations, in the mining and quarrying sector, and as beggars on the streets. The Committee was also concerned that exploitation and abuse commonly took place in the context of extended family fostering and apprenticeship. Reports of forced child labour taking place in the State party was another matter over which it expressed grave concern. While acknowledging efforts made by the State party and United Nations agencies to reduce this phenomenon, the Committee regretted that the outcomes of such efforts had been poor.

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The Committee recommended that the State party: Continue and strengthen efforts to eliminate child labour, in particular by addressing the root causes of child economic exploitation through poverty eradication with a view to developing a comprehensive child labour monitoring system in collaboration with NGOs, community-based organisations, law enforcement personnel, labour inspectors and ILO-IPEC; Make every effort, including preventive measures, to ensure that children who worked did so in accordance with international standards, did not work under conditions which were harmful to them, received appropriate wages and other work-related benefits and continued to have access to formal education and other developmental opportunities; and Take action to implement all policies and legislation relevant to child labour, inter alia, through awareness-raising and educational campaigns for the public on the protection of the rights of children.

The Committee noted with appreciation the serious and exemplary efforts undertaken by the Government of Nigeria to combat child trafficking, including establishment of bilateral anti-trafficking agreements and introduction of joint border controls. It also welcomed the enactment of the law prohibiting human trafficking in July 2003, the creation of the National Agency for Prohibition of Trafficking in Persons (NAPTIP), and the Presidential appointment of the Special Assistant for Human Trafficking and Child Labour in June 2003. The Committee also noted the signing of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in 2003, and the State party's ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime in 2002.

The Committee recommended the State party to continue and strengthen its efforts to prevent and combat child trafficking. In this regard, the Committee encouraged the State party to: Improve its system of data collection on the sale, trafficking and abduction of children, and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects; Seek to establish further bilateral agreements and sub-regional multilateral agreements with concerned countries, including neighbouring countries, to prevent the sale, trafficking and abduction of children, and develop joint plans of action between and among the countries involved; Continue to take measures to facilitate children's protection, safe return to their families and reintegration in society, through inter alia, recovery and reintegration programmes; Strengthen the NAPTIP and allocate sufficient resources to ensure that it is able to perform these functions effectively; Ratify the 1980 Hague Convention No. 28 on the Civil Aspects of International Child Abduction; and Continue its cooperation with, inter alia, UNICEF and IOM.

The Committee appreciated the efforts made by the State party to reform the Juvenile Justice Administration (JJA), including the establishment of a National Working Group on Juvenile Justice Administration in 2002 and the introduction of the draft National Policy on Child Justice Administration in Nigeria for discussion. However, it remained gravely concerned that the juvenile justice system in the State party, in particular, the Sharia court system, did not conform to international norms and standards, in particular the fact that until the enactment of the Child Rights Act in all states, wide disparities remained in the minimum age of criminal responsibility, some much too low by international standards; Juvenile offenders are frequently subjected to physical assaults by the police and custodial officers; Placement of persons below 18 in the same detention and prison facilities with adults; Excessive length of detention, which in some cases could last as long as eight years; and Excessive length of time before the hearing of cases. Other areas included: (a) Persons below 18 were often tried in adult courts; (b) Persons below 18 were often not legally represented during their trials; (c) Some children were detained for "status offences" such as vagrancy, truancy or wandering, or at the request of parents for "stubbornness or for being beyond parental control"; (d) Serious overcrowding and the poor conditions of homes and juvenile centres for persons below 18 in conflict with the law, as well as prisons in which they were placed; (e) Lack of trained

professionals working in such institutions; (f) Absence of assistance towards the rehabilitation and reintegration of persons below 18 following judicial proceedings; and (g) Article 12 of the Child and Young Persons Act and article 319 (2) of the Criminal Code, as well as the Sharia Penal Codes in 12 northern states which allowed for imposition of death penalty on persons below 18.

Despite the State party's claim that there were no discrepancies between the provisions of the Convention and the Sharia laws with regard to the rights of children, the Committee remained deeply concerned by the sentencing of persons below 18 years to cruel, inhuman and degrading treatment such as stoning, flogging, whipping and amputation by Sharia courts. The Committee was further concerned that under section 95 of the Sharia Penal Code, persons aged 7-18 years can be subjected to the punishment of confinement in a reform institution, or 20 strokes of cane, or with fine, or both. The Committee recommended the State party to review its legislation, policies and budgets to ensure the full implementation of juvenile justice standards, in particular Article 37 (b) and Article 40, paragraph 2 (b) (ii)-(iv) and (vii) of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System and in the light of the Committee's 1995 Day of General Discussion on the Administration of Juvenile Justice.

In this respect, the Committee urged the State party to, in particular: Ensure that the minimum age for criminal responsibility was applicable in all 36 states forming the State party by taking measures and actions as recommended in paragraph 12 of the report; Guarantee that all persons below 18 have the right to appropriate legal assistance and defence and ensure speedier fair trials for them; Develop and implement alternative measures for deprivation of liberty in order to really make detention a measure of last resort for the shortest possible time. In cases where deprivation of liberty was unavoidable, it urged the State party to ensure that the conditions of detention were in full compliance with, in particular, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. It also implored the State party to amend, as a matter of urgency, the Child and Young Persons Act and the Criminal Code, as well as the Sharia Penal Codes to abolish death penalty as well as cruel, inhuman and degrading treatment on juvenile offenders, and in the meantime take measures, as a matter of priority, to ensure that persons under 18 were not sentenced to torture, cruel, inhuman and degrading forms of sanction such as flogging and amputation by Sharia courts. The Committee further called for the introduction, as a matter of priority, of training programmes on relevant international standards for all professionals involved in the system of juvenile justice and the establishment of special units within the police for the handling of cases of persons below 18 in conflict with the law and urged that every effort be made to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings. It also recommended that the State party enact an amendment to the Children and Young Persons Act, which prohibit all forms of corporal punishment in penal institutions; and seek technical assistance from, among others, OHCHR and UNICEF.

10.6: Optional Protocols to the Convention on the Rights of the Child

The Committee noted that the State party had signed but not yet ratified the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution, child pornography, and on the involvement of children in armed conflict. In this regard, it Recommended that the State party immediately ratify and implement the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution, child pornography, and on the involvement of children in armed conflict.

It also recommended that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State Governments and Parliaments, when applicable, for appropriate consideration and further action. The Committee further recommended that the initial report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available, including through the Internet (but not exclusively), to the public at large, civil society organisations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee underlined the importance of a reporting practice that was in full compliance with the provisions of Article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is ensuring that the Committee on the Rights of the Child had regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by States parties was crucial. The Committee invited the State party to submit its third and fourth periodic reports in one consolidated report by 18 May 2008, i.e., the due date of the fourth periodic report. This consolidated report was not to exceed 120 pages (see CRC/C/118). The Committee expected the State party to report thereafter every five years, as foreseen by the Convention.

10.7 Third and Fourth Periodic Report of Nigeria

Nigeria's Third and Fourth combined report was submitted on 19 May, 2008, just a day later than the due date i.e., 18 May 2008. According to the report, Nigeria as a member of the United Nations ratified the Convention on the Rights of the Child (CRC) on 21 March 1991. Nigeria was therefore obligated to submit periodic reports on progress recorded in the implementation of the Convention in the country, as stipulated in Article 44 of the Convention. The 3rd and 4th consolidated periodic report built on the second country periodic report of 2004 considered by the Committee on the Rights of the Child at its 1023rd and 1024th meetings, held on 26th of January, 2005. At its 1025th meeting, an 86-point Concluding Observation and Recommendation was adopted for improvement of the next report.

It was remarked in the report that in articulating the 3rd and 4th consolidated Country Periodic Report, the Committee's Observations and Comments were substantially taken into consideration and the legislative, administrative and other measures employed in implementing the rights guaranteed under the Convention from year 2004 to 2008, were considerably highlighted. However, some legal and administrative measures put in place and reported in the 1st and 2nd CRC report remain relevant and have been documented in this report, because there had been no significant changes.

As reported, Nigeria lies between 4°16' and 13°53' north latitude and between 2°40' and 14°41' east longitude and has a land area of 924,000 sq. km, one of the largest in Africa. The geography varies greatly from tropical rainforest in the South to dry savannah in the North which is flat and sparsely vegetated. Nigeria is hilly and mountainous in the South East, along the border with Cameroon and also in the centre where the Jos Plateau rises to 5,000 feet above sea level. Nigeria is bordered to the West by the Republic of Benin, to the North by the Republic of Niger, to the North East by the Republic of Chad, to the East by the Republic of Cameroon, and to the South, by the Atlantic Ocean. The average rainfall ranges from about 500 mm/year in the North to over 2,000 mm/year in the South.

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The Geopolitical Zones of Nigeria

North East
North West
North Central
South East
South West
South South



According to the report, Nigeria had a total population of 144,483.655 with an annual growth rate of 3.2% in 2007. Children made up approximately 72 million of the population based on Nigeria's 2006 Census. Nigeria is a multi-ethnic and multi-linguistic nation. The major ethnic groups are the Yoruba in the South-West, Igbo in the South-East and Hausa/Fulani in the North. Taking the definition in the Convention, and as affirmed by the Child's Rights Act 2003, a child is anyone under the age of 18. The Table below disaggregates children's population by gender and three (3) different age groups.

Population of Children by age groups (millions)

Age	Male	Female	Total
0–5	14 475 295	13 785 708	28 261 003
6–11	12 403 167	11 812 294	24 215 461
12–17	9 946 215	9 472 388	19 418 603
Total under 18	36 824 677	35 070 390	71 895 067

Source: NPopC – Median Variant Projections from 2006 Census.

The infant mortality rate is the probability of a child dying before his/her first birthday. The under-five mortality rate is the probability of a child dying before his/her fifth birthday. In MICS3, infant and under-five mortality rates were calculated based on an indirect estimation technique –the brass method. The table below provides estimates of child mortality by various background characteristics. In Nigeria, the infant mortality rate was estimated at 86 per thousand live births, while the under-five mortality rate was 138 per thousand live births. The Nigerian male child had greater probability of dying as an infant or as under-five than his female counterpart (92 versus 79 per 1000 at infant and 144 versus 131 per 1000 live births at under-five, respectively). Infant mortality rate decreased from rural to urban sectors of the population (94 to 62 per 1000), from the non-educated to secondary school or higher educated mothers (94 to 63 per 1000), and from the poorest to the richest households (101 to 64 per 1000). There was considerable geopolitical zonal variation in infant mortality rates from 68 per 1000 in the South West to 101 per 1000 in the North West; North-South disparity was also evident.

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Infant and under-five mortality rates, MICS 3, Nigeria, 2007

	Infant mortality rate*	Under-five mortality rate**
Sex		
Male	92	144
Female	79	131
Geopolitical Zones		
North Central	74	117
North East	84	135
North West	101	166
South East	88	142
South South	71	111
South West	68	106
Area: Sector		
Rural	94	153
Urban	62	96
Women's education		
None	94	153
Primary	84	134
Secondary +	63	97
Wealth index quintiles		
Poorest	101	165
Second	99	162
Middle	92	150
Fourth	73	114
Richest	54	81
Total	86	138

Source: MICS 3, 2007.

The FMWA & SD being the coordinating Ministry responsible for ensuring compliance with the UN Committee's Recommendations and implementation of the provisions of the Convention engaged key stakeholders, namely, officials of State and Federal Ministries, NGOs, and UN Agencies, particularly UNICEF, ILO, UNDP, WHO, UNFPA and UNODC in order to produce the report, by the employment of a transparent and participatory approach that draws the attention of all sectors of the civil society to the rights of the child through constructive dialogue which included: A process that ensured full ownership by the Federal and State Ministries of Women Affairs as the concerned ministry in charge, and real participation of the Ministries of Finance and National Planning; Ensuring the input of the youth/children in relation to selected questions from the UN Committees guidelines; Regular participation of civil society in the different steps of the process; Encouragement and involvement of other UN Agencies to provide inputs with respect to their mandates and the questions of the guidelines that belonged to their programme of cooperation; Ensuring that a precise time frame planned for the report writing was followed and respected; and Ensuring the use of the Concluding Observations of the CRC Committee on the 1st and 2nd Country Periodic Report in order to integrate answers in the 3rd and 4th Country Periodic Report.

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As reported, following Nigeria's Ratification of the CRC in 1991 and in compliance with Articles 4 and 41 which stipulate that "Member States shall undertake to disseminate the Convention's principles and take all appropriate legislative, administrative and other measures for the implementation of the Rights recognised in the present Convention", the government constituted the NCRIC in October 1994, as the administrative body saddled with the responsibility of ensuring timely reporting on of all treaties and Conventions ratified by Nigeria. The members of the NCRIC were drawn from a cross-section of governmental and sectorial ministries including Women's Affairs and Social Development, Education, Information and Communication, Health, Finance, Planning, Youth Development, Labour and Productivity, Justice, Foreign Affairs and Internal Affairs (Immigration, Prison Service). Representatives of NGOs, the print and electronic media, academia, judiciary and legal consultants were chosen from each zone of the Federation. The National Assembly, National Bureau of Statistics, Nigeria Police Force, National Agency for the Prohibition of Trafficking in Persons, National Human Rights Commission and other human rights-based organisations were also represented.

As a first step in the report writing process, a meeting of NCRIC held from 26th– 30th June 2007. The presentations, support documents and strategies formulated at the meeting had the input of all members present, and at the end a blue print for a comprehensive report writing process was produced. According to the report, the following were the outcomes of the meeting: Information and data required for the development of the 3rd and 4th CRC Country Periodic Report were identified, and a framework for the production of the CRC Country Periodic Report was developed. The framework was designed to act as a road map for the development and timely submission of the Report. It incorporated all the issues raised by the UN Committee of Experts on the Rights of the Child in their Concluding Observations on the 1st and 2nd CRC Country Reports and indicated how the report should contain sufficient information to provide the UN Committee of Experts on Child Rights with a comprehensive understanding of the implementation of the Convention.

Advertisements calling for memoranda and input from the general public were placed in both electronic and print media with nationwide reach (Nigerian Television Authority, the Daily Trust, Guardian and This Day newspapers) between 15th and 27th July, 2007 respectively. The meeting of the core drafting team which held on 8th and 9th August 2007 worked on a zero draft and produced the first draft of the Report. To facilitate the report writing process, it was remarked that a consultant was appointed to collate information on studies, current statistics, reports, research and evaluations at the National and sub-national levels that were pertinent to the development of a comprehensive report and to ensure that data sources and information were credible. The consultant integrated information on current statistics, reports, studies, research, evaluations and inputs and worked closely with the core drafting team to finalise the first draft.

The first draft was subjected to the scrutiny of the Child Development Directors from all the states of the Federation in order to have further sub-national inputs into the document. The meeting held on 28 and 29 August 2007 in Abuja. Various sub-national inputs were incorporated to enrich the document and the Second draft was developed. In compliance with the provisions of the Convention, the Ministry of Women Affairs and Social Development in the report writing process, consulted at separate meetings with Children's Parliament, members of the Civil Society as well as UN Agencies for their inputs on 4 and 5 October 2007. The broad objective of the meetings was to incorporate the input of children, international organisations, development partners and members of the civil society in Nigeria into the second draft. The third draft periodic report was thus developed.

The NCRIC meeting held on 14 and 15 of February 2008 to review the 3rd and 4th draft and fill the data gaps as well as to ensure data sources and information and credible additional information on current statistics from reports, studies, research and evaluations were integrated into the third draft to produce the fourth draft. The Stakeholders' Validation Workshop held on 27 March 2008 to let all

members of the NCRIC and other Stakeholders involved in the report writing process from its commencement peruse the fourth draft Report, make their inputs and validate its contents. Participants were drawn from the children's parliament represented by the Senate President and the Speaker, and a cross section of governmental and sectorial ministries like Women Affairs and Social Development, Sports, Information and Communication, Health, Finance, Labour and Productivity, Justice and Internal Affairs, and National Human Rights Commission. Other organisations in attendance were the Nigeria Police, Prisons Service, and Civil Society organisations from the 6 geo-political zones of the Federation as well as consultants/experts on children's issues, data analysts, officials of the sectorial ministries, Child Development officers and United Nations Agencies in Nigeria (UNICEF, WHO, UNODC, UNHCR, ILO, and UNESCO).

At the end of the validation workshop, inputs from all stakeholders were integrated into the fourth draft report to produce the fifth draft. The meeting to finalise the report took place from 14 to 18 April 2008. It was convened to integrate all relevant inputs made by the stakeholders into the fifth draft and finalise the report. At the end of the finalisation meeting, a comprehensive report was produced as the final draft. The FMWA and SD as the umbrella body in charge of the report writing process submitted the final draft through the Minister of Women's Affairs and Social Development for onward submission to the UN Committee on the Rights of the Child.

According to the report, prior to the ratification of the CRC in 1991, child right issues were guided by various legislations at the Federal and Regional levels up to 1961 and at Federal and State levels after 1961. Notable among these were the Children and Young Persons Act (1943), which dealt mainly with Juvenile Justice Administration, and the Labour Act (1974), which sought to regulate child labour and to protect children from exploitative labour and abuse. In 1993, a draft Children's Bill was made based on the principles of the CRC, but it was never enacted into law until the end of the military era in 1999. Sequel to the inauguration of democratic governance in Nigeria in May 1999, concerted efforts were made to evolve a legal framework for the protection and promotion of the rights of children.

These efforts had culminated in the passage of the Child's Rights Act (CRA) in July 2003. The main provisions of the Act are laid out in 24 parts which cover the broad themes of the CRC, namely; the rights of the Nigerian Child to Survival, Development, Protection and Participation. As reported, this substantive Act domesticated the provisions of the CRC in Nigeria and strengthened the various states legislations dealing with individual aspects of child protection, including the prohibition of street hawking and begging; child abuse (including sexual abuse); child trafficking; child labour and other forms of exploitation. Harmful Traditional Practices such as Female Genital Mutilation (FGM); scarification and child marriage; withdrawal of children from schools mainly for commercial purposes or marriage; abuse and exploitation of the Almajirai children (Pupils of the traditional system of Koranic education) were also prohibited.

Prior to 1993, only the Social Welfare Department of the then Federal Ministry of Social Development and Culture had the mandate on issues relating to childcare and juvenile justice. In 1993, as a result of the movement for the advancement of women's rights, and as a consequence of the Children's Summit of 1990, a Child Development Department (CDD) was created in the National Commission for Women located in the Presidency, to cater solely for issues concerning children. This bestowed formal recognition to the responsibility of the Government to systematically cater for the needs of children as a core professional mandate. The Commission later evolved into the Ministry of Women Affairs and Youth Development in 1996, and has since then vigorously pursued the promotion and protection of children's rights at all levels in Nigeria.

As a result, the 36 States of Nigeria now have specific ministries charged with women and children's affairs. The Federal Capital Territory, Abuja, also has a department charged with the responsibility

of child rights protection and promotion along the same lines. The NCRIC is also mandated by the CRA 2003 to oversee the implementation and monitoring of the provisions of the CRC and CRA. In addition, the NHRC has a Special Rapporteur on Children charged with the responsibility of ensuring that children's rights are effectively promoted and protected in Nigeria.

Since the ratification of the Convention, a lot of efforts have been made at the Federal, State and Local government levels in Nigeria to translate the provisions of the Convention into reality and ensure its effective practical implementation. The implementation measures adopted in this regard include legal, policy, administrative, institutional, promotional/educational and judicial. The legal and policy frameworks include the Constitution of the Federal Republic of Nigeria (1999); Child's Rights Act 2003; National Child Policy of 2007 and its Strategic Plan of Action/implementation framework 2007/2008; National Plan of Action on OVC and its Guidelines and Standard of Practice, 2007; African Charter on Human and People's Rights (Ratification) Act CAP 10. Laws of the Federation of Nigeria 1990; National Human Rights Commission (NHRC) Act 1995; Trafficking in Persons (Prohibition) Law Enforcement and Administration Acts, 2003 and as amended in 2005; National Commission for Refugees Act (Cap 244, Laws of the Federation of Nigeria 1990); Universal Basic Education (UBE) Act 2003 (Amended in 2005); National Agency for Food and Drug Administration and Control Act; Criminal Codes (Federal and States); Sharia Penal Codes (States); Borstal Institutions and Remand Centers Act, Cap 38, Laws of the Federation 1990; Child Rights Laws passed and now in force in Abia, Anambra, Bayelsa, Edo, Ebonyi, Ekiti, Imo, Jigawa, Kwara, Lagos, Nasarawa, Ogun, Ondo, Oyo, Plateau and Taraba states.

Others are the Laws have been passed by the state legislators in Rivers and Osun states awaiting the assent of the governors; Ebonyi State Law No. 10 (2001) on the Abolition of Harmful Traditional Practices against Women and Children; Adamawa State Protection of Women and Children's Rights to Inheritance Law 2003; Adamawa State Secondary Schools Standardisation Law 2006; Adamawa State Maternity Assistance to Women and Child Care Law 2001; Malpractices Against Widows and Widowers (Prohibition) Law 2005, Anambra State; Bauchi State Hawking by Children (Prohibition) Law 1985, Cap 58; Bayelsa State FGM (Prohibition) Law of 2004; Cross River State Girl-Child Marriages and Female Circumcision (Prohibition) Law 2000; Cross Rivers State Prohibition of Domestic Violence and Maltreatment against Women Law No. 10 of 2004; Enugu State FGM (Prohibition) Law of 2004; Enugu State Prohibition against Infringement of Widows and Widowers Fundamental Human Rights Law; Ebonyi State Law No. 10 of 2001 on the Abolition of Harmful Traditional Practices against Women & Children; Edo State Female Genital Mutilation (FGM) Prohibition Law 2000; Edo State Criminal Code (Amendment) Law 2000; Edo State Inhuman Treatment of Widows (Prohibition) Law of 2004; Lagos State Street Trading and Illegal Markets (Prohibition) Law, Cap 183; Lagos State Adoption Law 2003; and Lagos State Administration of Estate Law 2004.

These efforts have substantially addressed the question of harmonisation of national, state and local laws with the Convention. Concerns had been raised regarding certain provisions of the Sharia legal system operating in some Northern States of Nigeria which ostensibly tend to adversely infringe on the rights of women and children. However, further studies had determined that there are no discrepancies between the provisions of the CRC and the Sharia Laws with regard to the rights of children. Specifically, all the states in Northern Nigeria have always had these provisions in their respective Laws. Examples abound in the Sharia Penal Laws of Northern States of Nigeria regarding specific provisions for the protection of children and young persons:

Section 237 of the Zamfara State Sharia Criminal Procedure Code law of 2000, No. 1 Vol. 4 provides that "No sentence of hudud or qisas shall be imposed on a person who is under the age of taklif. Note – Hudud means offences or punishments that are fixed under the Sharia and includes offences

or punishments in Sections 126 to 141 of the Sharia Penal Code; Qisa means punishments inflicted upon the offenders by way of retaliation for causing death of or injuries to person; taklif means the age of puberty. Note: Hudud offences include sexual offences like zina (fornication)".

Under Section 238 (1) of the same code, where a person is convicted of a hadd or qisas offence and it appears to the court by which he is convicted that he was under the age of taklif when he committed the offence, the court shall deal with him in accordance with Section 11 of the Children and Young Persons Law (CYPL) and Section 95 of the Sharia Penal Code. Under Section 95 of the Sharia Penal Code of both Zamfara and Yobe States, when an offender who has completed his 7th year but not completed his 18th year of age is convicted by a court of any offence, the court may instead of passing the sentence prescribed under this code, subject the offender to confinement in a reformatory home for a period not exceeding one year. The Sharia Penal Codes equally protect children and young persons by prescribing punishment for the crimes of causing miscarriage, injuries to unborn children, exposure of infants to danger, cruelty to children and concealment of births. So also kidnapping of children under 7 years and young persons above 7 years, abduction of children and young persons, sexual exploitation and trafficking of a girl child and forced labour are all punishable crimes (Sections 207–239 of the Zamfara and Yobe States Penal Codes).

In the celebrated Case of Karimatu Yakubu vs. Alh. Paiko, (Appeal No. CA/K/80s/85 – unreported, Court of Appeal, Kaduna), the Court of Appeal, Kaduna division, allowing the appeal in favour of the teenage appellant, reiterated that 'her father could not compel her to marry a man contrary to her choice and right to consent. The court clearly indicated that under the Sharia Family Law the need for the consent of a girl in her marriage is both an indispensable requirement and contractual right or at least a desirable one'. This decision demonstrated compatibility with the guiding principle of the best interest and welfare of the child.

On institutional arrangements, the Child Development Department (CDD) was established as a component of the National Commission for Women in 1993. The Commission was upgraded into a full-fledged Federal Ministry of Women's Affairs in 1995. The Ministry was replicated at the State level. The CDD was established to handle all matters relating to the total well-being and development of the Nigerian child. The Department is committed to providing an enabling environment that will ensure drawing out the potential of the Nigerian child through well-articulated programmes. It is to enhance the quality of life of the child towards national development and nation-building. Other institutional measures included the Creation of the National Child Rights Implementation Committee (NCRIC), 1994; Formation of State and Local Government Child Rights Implementation Committees (SCRICs and LCRICS) 1996; Establishment of the Child Rights Information Bureau (CRIB) in the Federal Ministry of Information and National Orientation in 1995 (now Federal Ministry of Information and Communication) to implement the information/communication goals of the United Nation's Convention on the Rights of the Child, AU Charter on the Rights and Welfare of the Child, Convention on the Elimination of Discrimination Against Women (CEDAW) and CRA 2003.

Others are transfer of the Social Services Division charged with supervision of fostering and adoption procedures in Nigeria, to the Child Development Department of the Federal Ministry of Women's Affairs (2002); Establishment of the National Agency for Prohibition of Traffic in Persons (NAPTIP) and other Related Matters, 2003; Emergence and registration of numerous NGOs in the area of child protection and child care; The formation of the National Council of Child Rights Advocates of Nigeria (NACCRAN) as the umbrella NGO for non-governmental groups involved in Child Rights Advocacy; Establishment of National Human Rights Commission in 1995 and appointment of a Special Rapporteur on child rights in the Commission; Establishment of Juvenile Welfare Desks at Police Divisional Headquarters across the country; and FCT, Abia, Ebonyi, Benue, Borno, Oyo, Plateau and Enugu states have functional Child Rights Implementation and Monitoring Committees.

On the other hand, numerous measures taken to popularise the CRC and the CRA included: Circulation of simplified and abridged versions of the CRC and CRA across the country. These have also been translated into Hausa, Igbo and Yoruba – the three major Nigerian languages; Advocacy and sensitisation visits to stakeholders and opinion leaders at various levels; Seminars, Workshops and conferences for appropriate target groups; Holiday camps for children, quiz/debate competitions, children's rallies and celebration of special days like the Day of the African Child and the National Children's Day; Media Campaigns, numerous radio and television enlightenment programmes, including documentaries and movies; Establishment of Child Rights Clubs and child-friendly schools (Sarah Communication Initiative); Production of Information, Education and Communication (IEC) materials, like posters, billboards and newspaper advertisements; Advocacy visits to traditional and religious leaders, opinion and community leaders on child rights issues by the Minister of Women Affairs and Social Development; "Red Card to Child Labour" a global programme by the ILO in collaboration with WOTCLEF; Production and circulation of CRC Guide for Law enforcement officers in Nigeria; Development and Production of Juvenile Justice Administration training manual for Law Enforcement Officials, as well as guide for training.

There have also been capacity building programmes for NGOs, CBOs and child care givers delivering psychosocial support and services for orphans and vulnerable children; Establishment of National Task Force on Human Trafficking; Development of a draft National Policy on Child Labour; and the formation of Child Rights Clubs in primary and post primary schools across the country. The opportunity provided by FMWA & SD, FMI & C, some NGOs and the mass media for Nigerian children to participate in the International Children's Day of Broadcasting, and in the production and presentation of programmes dealing with issues that concern children; The One-day Governor Programme in Lagos State, in which the Governor and his cabinet vacated their offices for one day in a year, for children selected through a competition organised by an NGO promoted by the Governor's wife; and The inauguration of the Children's Summit in 2000, which has evolved into the Children's Parliament at national and state levels.

On law enforcement, there were Juvenile Welfare Centres at Police Divisional Headquarters across the Country, with an officer of the rank of a commissioner co-coordinating their activities nationwide; Interception, rescue, repatriation and rehabilitation of trafficked children and children in exploitative labour and abusive situations and the prosecution of culprits/traffickers by both federal and state governments; Establishment of Child Labour Monitoring System in Cocoa Plantations (Ondo State); and Programme to withdraw street children, and to rehabilitate them in craft centres or formal schools for retraining and re-orientation by state agencies and NGOs.

Opportunities for the participation of children in matters that concern their rights and welfare had progressively increased over the years since the ratification of the Convention and especially with the establishment of the Children's Parliament. The Children's Parliament is mandated to represent the voices, minds and aspirations of the Nigerian children; and to organise high-quality advocacy for the survival, protection, development and participation rights of children. It is also to deliberate and draft child evolving bills and present to the National Assembly for adoption; deliberate and adopt child-friendly recommendations and forward them to relevant authorities for consideration; to receive reports from peers and deliver same to the relevant Authorities through the Child Development Department; and to monitor issues involving Child Survival, Development, Protection and Participation.

As reported, highlights of Children's Parliament activities during the reporting period (2004–2008) were as follows:

- The Senate President participated in the British Council's "Road to Davos" Programmes at Horsley Park in London in January 2008;
- Two members of the Parliament attended the commemoration of Martin Luther King Jr.

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- organised by the American Corner in January, 2008;
- The Children's Parliament produced two editions of its Newsletter with guidance from an editorial advisory committee with members drawn from the Federal Ministry of Women's Affairs and Social Development and other relevant line Ministries in 2007;
 - The Senate President and the Speaker were among the Nigerian delegation to the United Nations General Assembly (UNGASS) (Plenary Session on Children) in New York, USA in December 2007;
 - Two children parliamentarians presented a live programme on HIV/AIDS on national television as part of activities marking International Children's Day of Broadcasting 2007; Two members of the Senate of the Parliament led the Nigerian delegation to the 5th World Summit on Media for Children in Johannesburg, South Africa, from 23 to 28 March 2007.
 - Led by its Senate President and another official, the Children's Parliament presented the views of Nigerian children to the Constitution Review Committee in 2006;
 - The Senate President and Speaker were in the African children delegation to the 2nd Children's World Water Forum held in Mexico City, Mexico in March 2006;
 - Members of the Parliament attended the National Conference on Water in 2006;
 - The Children's Parliament Special Committee participated as observers at the 52nd Commonwealth Parliamentary Conference held in September 2006, in Abuja;
 - Members of the Nigerian Children's Parliament facilitated some activities in November, 2006 to mark 30 years of Abuja as Nigeria's Federal capital;
 - In year 2005, 2006 and 2007, sessions of the Children's Parliament deliberated on issues like compulsory use of insecticide treated nets in boarding schools, *Almajiri*, HIV/AIDS, child trafficking, passage of the CRL and establishment of Children's Parliament in the States, water and sanitation. Resolutions from these sessions were submitted to appropriate authorities for action.

According to the report, the unalloyed desire of the government to secure the survival rights of the Nigerian child could be seen in the numerous activities and efforts that had been put in place, notably: Development of the Integrated Maternal, New born and Child Health Strategy in the FMOH and its launch in March 2007; Formation of Social Mobilisation Committees, at national, state and local levels, on immunisation of children against Poliomyelitis and other childhood killer diseases; Regular de-worming exercises for children in primary schools across the country; Free prenatal and postnatal medical care for women and children up to the age of five years; Iodine and Vitamin administration, etc.

The provisions of the Child's Rights Act, 2003, supersede all other legislations in the Federation relating to the rights of the child. Having been enacted at the national level, the states are expected to formally adopt the Act. At the institutional level, the NCRIC is the apex body charged with the responsibility of monitoring compliance with the Act and the CRC. The body comprises representatives of government ministries/agencies responsible for monitoring and implementation of the rights enunciated in the CRA. The NCRIC is to advise Government on programmes and projects that would enhance the implementation of the rights of the child, collect and document information on matters relating to child rights, prepare and submit periodic reports on the CRC and advise the Government on how best to ensure the well-being of the Nigerian child.

The National Human Rights Commission established under the National Human Rights Commission Act, No. 22 of 1995 is responsible for human rights promotion, and monitoring as well as investigation of violations of the rights of children, as provided under the Constitution, the CRA and International Human Rights Instruments, such as the CRC and the African Union Charter on the Rights and Welfare of the Child. A Special Rapporteur on Child Rights at the Commission also has the responsibility to monitor compliance with the CRC, AUCRWC and the CRA and provide legal aid

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to children whose rights have been violated. The National Human Rights Commission, together with the Nigerian Bar Association (NBA) and other Stakeholders are also working with the Judiciary for the establishment of the "Family Court" through which the provisions of the CRA and the Child Right's Laws (CRLs) of the States will be enforced.

In 2003, the Federal Government of Nigeria inaugurated a medium-term reform and development agenda, the National Economic Empowerment and Development Strategy (NEEDS). NEEDS was further developed into NEEDS II. (NEEDS II and the Seven Point Agenda of the present government are being harmonised to come up with a medium-term plan 2008–2011 for Nigeria.) NEEDS 1 and II is Nigeria's Poverty Reduction Strategy Paper and a blueprint for social justice, economic growth and value orientation. The sectorial interventions indicated in the NEEDS document were to improve Primary Health Care Development Delivery, Universal Basic Education, Water Supply and Sanitation, tackling HIV/AIDS, generate wealth and create employment for women.

The implementation of the strategy document would benefit children directly and indirectly. The State and Local Government Areas had inaugurated their State Economic Empowerment and Development Strategy (SEEDS) and Local Government Economic Empowerment and Development Strategy (LEEDS) respectively. A more comprehensive, rights-based National Plan of Action with a time frame that extends to 2011, which would extensively cover all areas of the Convention and incorporates the objectives and goals of the outcome document titled: "A World Fit for Children" of the 2002 United Nations General Assembly Special Session for Children, as well as the Millennium Development Goals, was being articulated. It is to be finalised by the Federal Ministry of Women's Affairs and Social Development and the National Planning Commission. Line Ministries of Health, Education, Labour, and NAPTIP – the Agency leading the fight against trafficking, NGOs and members of the children's parliament would all be involved in finalising the National Plan of Action. A transparent and participatory process would be employed in the preparation of the document. The Plan of Action will ensure allocation of sufficient human and economic resources for its implementation.

Efforts had been made and were still ongoing to sensitise states Legislators about the provisions of the Convention in order to facilitate the passage and implementation of CRL in those States that were yet to adopt and adapt it. Sensitisation and training of professional groups and bodies responsible for the protection of children's rights were also ongoing. These included social workers, police, prisons staff, judicial officers, media personnel, civil society groups, health workers, child care givers and teachers on the provisions of the CRC and the Child's Rights Act 2003.

The following were reported as examples of training efforts during the reporting period: Training of Judicial Personnel at the National Judicial Institute, law enforcement officers, NGOs, and relevant desk officers in line ministries as well as State Child Rights Implementation Committee members was in progress in the states that have passed the CRLs; Development of Training Manuals to build capacity of law enforcement officers, investigators and child-care givers; and Data Collection. With funding from the World Bank, Nigeria completed a Master Plan for the National Statistical System in 2005, the implementation of which was designed to span five years (2005–2009). The implementation of the master plan resulted in the merger of the Federal Office of Statistics (FOS) and the National Data Bank to form the National Bureau of Statistics. The plan's key objective was to strengthen the capacity of the national statistical system to generate reliable, timely and relevant statistical data to support policymaking as well as monitoring of the achievement of Nigeria's development objectives.

Several reform activities had taken place at the NBS, notable among them being the introduction of digital technology into data collection and processing which translated into the reduction of incidence of error, reduction of processing time by 80% and overall credibility of the process. In the reformed

NBS, there is a fully fledged department that deals with Child related statistics. Apart from data collection processes conducted by the NBS, UNICEF entered into a Cooperation Agreement for the establishment of the Convention on the Rights of the Child (CRC) Chair in the Department of Public Law, University of Lagos. The priority of the Agreement was to generate a baseline data on various issues affecting the rights of children and youths in Nigeria through the conduct of a National Baseline Survey on child protection indicators/thematic issues, particularly in the areas pertaining to child trafficking, sexual exploitation, child labour, child/youth in conflict with the law, orphans and vulnerable children. Data generated through the baseline survey would be employed to formulate laws, policies and programmes for the effective implementation of the Convention.

In addition, the following were some of the surveys conducted during the reporting period: CWIQ, 2006; Survey on Refugees and Internally Displaced Children, 2007; Documentation of Innovative Intervention on the Almajiri Child protection in Nigeria, 2007; Survey/Directory of Orphanages in Nigeria, 2007; Survey on Youth Friendly Services, 2007; Recently Concluded Census 2006; MICS 3, 2007; National Baseline Survey on Child Protection Issues, 2008; Situation Assessment and Analysis of OVC in Nigeria 2008.

Budgetary allocations on children's issues were embedded in the budgets of various ministries at the federal and state levels. It was therefore difficult to isolate such allocations, or fully account for all expenditures in respect of the proportion of budget devoted to social expenditure for children, including health, welfare, social services, recreation and leisure. The budget trends for the years 2004–2008 showed increasing allocations to children's issues. The financial resources for education were from the Federal, States, Local Governments, non-governmental providers and individual households. While basic education was supposed to be free in the public sector, parents were responsible for many direct and indirect costs, including textbooks, uniforms, transport and various levies. Communities also sometimes participated in the financing of education through the donation of land, building of schools, supply of school furniture and equipment and the granting of scholarships. NGOs, religious organisations and individual households made important financial contributions to education.

On 30 June 2005, Nigeria's huge debt burden of USD 19,293,207,575 was wiped off Nigeria's debt profile by the Paris Club. The savings that accrued to both Federal and State governments were in the proportion of 75% and 25% respectively. The federal government invested the saved funds into various sectors and cross-cutting issues such as gender, HIV/AIDS, youth programs and urban slum upgrading which directly or indirectly impacted positively on the lives of Children.

As reported, the five (5) years before the report witnessed greater collaboration between the FMWA & SD, NGOs and UN Agencies like UNICEF, ILO, UNDP, WHO, UNFPA, UNODC as well as other government ministries and agencies on the promotion and protection of children's rights in Nigeria. The FMWA & SD also collaborated with other relevant federal ministries like Justice, Information, Education, Police Affairs, Immigration, Internal Affairs, Foreign Affairs, Finance, National Planning, Health and the Judiciary. In addition, the Ministry maintained relationships with its state counterparts and with relevant Federal Agencies like the NHRC and the National Agency for the Prohibition of Traffic in Persons (NAPTIP). During the All-Africa Games held in Abuja in 2004, an MOU was signed on the Red Card to Child Labour Campaign between the ILO and the Nigeria Labour Congress, the National Employers Consultative Association, and the Federal Ministry of Labour and Productivity. The ILO-IPEC also initiated a project to withdraw victims of child labour from cocoa plantations and quarries, under the ILO-IPEC/West Africa Cocoa Agriculture Project (ILO-IPEC/WACAP). The project was designed to provide economic support to impoverished families and for the rehabilitation of the victims, including vocational training where necessary.

The ILO-IPEC collaborated with News Agency of Nigeria (NAN) to rally the media to mount enlightenment campaign for combating child labour and child trafficking. The University of Lagos' CRC Chair, in collaboration with NBS and with the support of UNICEF, carried out a National Baseline Survey on Child protection issues, which started in 2004 and would be completed in 2008. ILO/IPEC made some funding contribution in 2005. Non-Governmental Organisations (NGOs) had also been organised under the auspices of the National Council of Child Rights Advocates of Nigeria (NACCRAN), which partners with the Ministry. The mass media collaborated with the FMWA & SD in the area of publicity, public enlightenment and advocacy, especially in the run-up to the enactment of the Child's Rights Act, and in the campaign to get individual State Houses of Assembly to adopt the provisions of the Act as State Laws.

The Government of Italy was actively collaborating with NAPTIP, through the Anti- Mafia Bureau, to combat human trafficking across Nigerian borders. Italy had also provided technical support, including the donation of equipment for the Agency's National Monitoring Centre. Community Based Organisations (CBOs) and Civil Society Organisations (CSOs) work with relevant ministries and departments at local, state and federal levels. Efforts were continued by government to publicise the Convention by translating it into the major local languages and disseminating the provisions through radio and television programmes, etc. It was emphasised that the submission of the Periodic Report demonstrated Nigeria's sincere commitment to discharging her reporting obligations under the Convention.

Section 277 of the Child's Rights Act 2003 of Nigeria defined a child as "a person under the age of 18 years." This definition is in total consonance with Article 1 of the Convention. The Act is the basic law which governs all matters relating to the rights and welfare of Nigerian children. To further empower this Act, Section 274 specifically states as follows: "(1) The provisions of this Act supersede the provisions of all enactments relating to (a) Children; (b) Adoption, fostering, guardianship and wardship; (c) Approved institutions, remand centres and borstal institutions; and (d) Any other matter pertaining to children already provided for. (2) Accordingly, where any provision of this Act is inconsistent with that of any of the enactments specified in sub-section (1) of this section, the provision of this Act shall prevail, and that other provision shall, to the extent of its inconsistency, be void."

The minimum legal ages as provided for by the Act are as follows: Legal or medical counselling without parental consent; Section 64 (2) of the Act provides that a child who has attained the age of 16 years has a right to give consent for scientific investigation without parental consent; End of compulsory education; Section 15 of the Act obligates Government to provide free, compulsory education to every child up to the junior secondary school level, i.e. up to the age of 15 years. Sections 21–23 prohibit any child under the age of 18 years from contracting or being contracted into marriage, under any guise. Sections 31 and 32 prohibit sexual intercourse with a child, with or without the child's consent; Section 34 of the Act precludes any person below the age of 18 from enrolling into the armed forces either voluntarily or by conscription; while Section 204 provides that "No child shall be subjected to the criminal justice process or to criminal sanctions, but a child alleged to have committed an act which would constitute a criminal offence if he were an adult shall be subjected only to the child justice system and processes set out in this Act."

According to the report, the 1999 Nigeria Constitution under Chapter IV, and specifically in Section 42 (1) (a), (b), (2) and (3), provides for non-discrimination on the basis of gender, religion, ethnicity, age or circumstances of birth against any citizens including children. By this provision, all organs of government are obligated to protect children against all forms of discriminatory practices in Nigeria. For instance, the Court of Appeal's decision in the celebrated case of Karimatu Yakubu vs. Paiko buttressed this. The Court allowed the appeal in favour of a teenage girl on the grounds that her

right to consent in marriage and to marry her suitor was of paramount consideration even under the Sharia family law, notwithstanding her father's right to exercise the power of Ijbar (compulsion), according to the Maliki school of Law widely followed in the North of Nigeria.

The Nigerian Government had domesticated the CRC through the passage of the Child's Rights Act 2003. The Act outlines the rights and responsibilities of children in Nigeria and provides for a system of child justice administration, amongst other things. The states had also commenced the process of passing the CRA as State Laws in the 36 States of the Country. So far, 18 states already mentioned had passed the CRLs. The following steps were being taken at all levels of government to stamp out discrimination: Enlightenment campaigns; skills acquisition centres for girls; laws against Female Genital Mutilation in the southern states of the country where the incidence is most prevalent; motivation for school enrolment of the girl-child and automatic scholarships for girls in the states of Zamfara, Bauchi, Katsina, Yobe, Sokoto and Borno; Provision of scholarships for girls in twelve states of the country by various NGOs.

In addition, there were Girl Child Education Projects (GEP) across the country and Schools for refugees and displaced children had been established in the border towns of Akwa Ibom, Bayelsa, Bauchi and Ogun States. Likewise, 14 schools had been established in Leprosy settlements nationwide as well as 28 schools for physically challenged children in Delta, Rivers, Akwa-Ibom, Bayelsa, Cross-River, Niger, Plateau, Kogi, Sokoto and Kwara States and the FCT; together with five rehabilitation centres for street children in Rivers and Cross River States; Establishment of drop-in-centres by the Federal Government in Sokoto and Ebonyi States and also in Lagos by some NGOs; opening of shelters for trafficked Children in Edo, Kano, Akwa Ibom, Sokoto, Lagos and the FCT; while child marriages had been prohibited in Kebbi and Niger States, and withdrawal of girls from schools in Kano, Borno, Gombe and Bauchi States. Of particular interest was the provision of free and compulsory primary and secondary education in Ebonyi, Lagos and Oyo States.

It was remarked that a major constraint on meaningful planning for physically challenged children was the dearth of accurate data. To address this gap, the Federal Government had included in the National Policy on Education, a commitment to carry out a census of all physically or emotionally challenged children. Other constraints were inadequate number of safe homes/shelters/boarding schools for physically challenged children and disadvantaged children; lack of emphasis in public enlightenment programmes to draw the attention of the public to the plight of disadvantaged children; lower school enrolment for disadvantaged children; and insufficient personnel and educational facilities for physically challenged children.

As reported, Section 1 of the Child's Rights Act 2003 states that the best interest of the child shall be a primary consideration in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. It mandates every person, institution, service, agency, organisation and body responsible for the care or protection of children to conform to the standards established by the appropriate authorities, particularly in the area of their safety, health and welfare. In every decision affecting the child, the various possible solutions must be considered and due weight given to the child's best interest. The Nigerian courts and other agencies in settling conflicts of interest, usually base their decisions on what is best for the child. This applied when administrative authorities intervened in situations where regulations were made in schools, at home and in the civil society; and when programmes were designed for children, most actions taken on behalf of children safeguard their best interest.

Specific measures taken by the Government to combat harmful cultural practices against the best interest of the child included: Prohibition of child marriage and child betrothal under Sections 21 and 22 of the CRA; Prohibition of tattoos and skin marks under Section 24 of CRA; Prohibition of Child Trafficking by Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003; the

Edo State Law on Female Genital Mutilation (FGM) – 2000 which bans the practice of FGM and prescribes the punishment of N1000 fine or six months imprisonment for its violation; passage of Bills prohibiting Female Genital Mutilation in eleven states. Also, the National Policy on Food and Nutrition in Nigeria 2001 addressed among others, cultural nutritional practices that cause deficiencies associated with high rate of infant mortality and morbidity; The Northern States of Zamfara, Sokoto, Kebbi, Kaduna, Kano, Jigawa, Yobe, Bauchi, and Borno, where the Sharia Legal system is being applied, witnessed commitment of government to the welfare of the less privileged children, notably orphans and the numerous child beggars prevalent in those states.

The Sharia Legal system does not provide for adoption but allows for fostering and inheritance rights defined by a will (Wasiyyah) for children, thereby guarding against possible discrimination against such children; and there were ongoing efforts across the country by NGOs to scale up children participation in decision making in schools – particularly in the areas of school administration, drafting school time tables, choice of prefects and involvement in Parent/Teachers Association meetings. However, the report observed that the acceptance of child participation at community level was still low; and therefore, posed a challenge to implementation of best interest of the child principle.

Measures Taken to Ensure Registration of Births in Nigeria include the Vital Registration Project which started in 1988; establishment and maintenance of a machinery for continuous and universal registration of births and deaths throughout the federation; collection, collation and publication of data on migration; and taking the project to the grassroots level with the establishment of at least two registration centres per local government area. At the time of the report, the Commission was operating a total of 2,322 R/C that is 3 per LGA in all the 774 LGAs in the Country. The Births, Death, etc. (Compulsory Registration) Act No. 69 of 1992, stipulates that registration shall be carried out free of charge, within a period of 60 days from the date of birth. Section 10 (2) (b) of the Act states that registration can take place after 60 days and within 12 months, subject to payment of prescribed fees. Section 5 of the Child's Rights Act 2003 states that 'Every child has the right to a name and the birth of every child shall be registered.' To ensure compliance with the existing laws on birth registration, Osun state had established a committee for birth registration; while Capacity building workshops and training were organized for birth registrars and notifiers from all the states of the Federation.

Within the reporting period, the National Population Commission evolved an Action Plan to create birth registration systems that were permanent and sustainable, which included involving every part of society, local communities and stakeholders in awareness raising activities on the importance of birth registration. A better coordination between relevant government ministries and institutions involved in birth registration processes was recorded and some social infrastructures have been put in place to facilitate birth registration in rural communities.

Seventy-two NPopC commissioners, state and zonal directors were trained on supervision and reporting of vital registration activities in all the states of the Federation and different activities to mop up the registration exercise at the community level were carried out. The Vital Registration Department of NPopC also made a country wide announcement waiving for the next three years as payment of late registration fees for three years. Payment of fees had hampered the level of birth registration in the past. In July 2007, the Vice President, Federal Republic of Nigeria flagged off a National Campaign on Birth Registration in Abuja. The launch brought together government representatives from the National Population Commission, Federal Ministries of Women Affairs and Social Development, Information and Communications as well as Health. Also represented at the launch were the Speaker of the Federal House of Representatives, Parliamentarians and donor

partners like CIDA, UN agencies and the Country Representatives of UNICEF, WHO, and UNFPA. Well over 500 participants drawn from CSOs, traditional rulers and the media were also present.

The nationwide campaign and launch by the Vice President demonstrated government's commitment to increasing birth registration coverage across the country as well as providing an enabling environment for an effective and smooth implementation of a comprehensive birth registration programme in Nigeria. Between October and December 2007, the Federal Radio Corporation of Nigeria (FRCN) – 'Radio Nigeria', the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and UNICEF launched a three-month radio campaign on child trafficking and economic exploitation of children linked with birth registration. The campaign was broadcast to more than 60 million listeners of Radio Nigeria during more than 20 hours of prime network airtime.

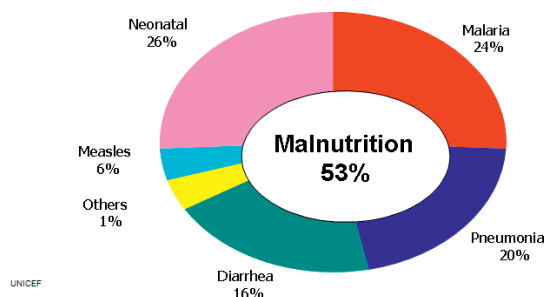
Within the same period, a backlog of nearly 10 million vital/birth registration forms were processed. The findings, processing methodology, characteristics of birth in Nigeria, current birth registration status and other lessons learned on best practices are being documented in a draft comprehensive report which would show the level of births registered in Nigeria from 1994–2007. With the successful campaign, strong commitment of government and the processing of the huge number of vital registration forms in the country, it is expected that a sustainable systemic monitoring mechanism for documenting births of children born in Nigeria was being institutionalised. It was on record that birth registration coverage of 28% in 1999 (MICS 1999), rose to 30.2% in 2006 (CWIQ 2006) and 47% in 2008 (the full report of NPopC evidencing the current coverage was yet to be published for public access).

The modalities and frameworks for a sustainable systemic monitoring mechanism for documenting births of children that had been developed in Nigeria since the last reporting period was still being employed as part of a long-term strategic approach in Nigeria. These were to: Include every part of society, especially local communities; Involve every stakeholder by raising awareness of the importance of birth registration; Enforce and publicise existing legislation; Ensure coordination between relevant government ministries and institutions involved in birth registration processes; Provide necessary social infrastructure to facilitate birth registration in rural communities; Integrate birth registration in other governmental activities and provide sufficient resources for the programs and service delivery; Improve the capacity of the relevant government officials; Provide the resources required to ensure universal and effective system of birth registration; and in collaboration with partners, embark on strong and virile resource mobilisation strategies in and outside the country by involving government, legislators, development partners/donor agencies, health and education sectors, civil society networks, children parliament and other stakeholders. Others are strengthening institutional capacity of the NPopC (Vital Registration Department) to collate, analyse, process and generate birth registration data consistently at the states and country levels; Establish a network between the 3 registration centres in LGAs and child delivery institutions to Source: Federal Ministry of Health, 2006 ensure that all children were registered at birth; and to ascertain the causes of high mortality and morbidity among children. The high infant mortality and morbidity among children, the report said, were mainly malnutrition/poor nutritional status, neonatal diseases, malaria, pneumonia, and diarrheal diseases.

Malnutrition of children and poor nutritional status was the highest cause of deaths of children in Nigeria. The weight for age was a measure of both acute and chronic malnutrition. Children whose weight for age were more than two standard deviations below the median of the reference population were considered moderately or severely underweight while those whose weight for age were more than three standard deviations below the median were classified as severely underweight. Stunting was a reflection of chronic malnutrition as a result of failure to receive adequate nutrition

over a long period and recurrent or chronic illness. Wasting was usually the result of a recent nutritional deficiency.

Why we lose our U5s?



Most U5 diarrhea deaths result from dehydration, replaceable (with SSS, ORS, ORT)

Neonatal and perinatal diseases were the next set of causes of child deaths. The perinatal mortality rate measures the risk of dying from the 28th week of pregnancy until the end of the first week of life. This rate reflects the quality of maternal care, including antenatal services, the management of delivery care and in the immediate post-partum period. At the time of writing this report, there was no current nationally representative data available for this rate. The neonatal mortality rate estimates the probability of dying within the first month of life. This rate reflects the quality of antenatal and delivery services and the quality of childcare in the first month of life as well as the presence of congenital defects and malformation. The national neo-natal mortality rate was estimated as 48 per 1000 live births (NDHS 2003).

Malaria was another leading cause of death of children under age five in Nigeria. It contributed to anaemia in children and was a common cause of school absenteeism. Preventive measures, especially the use of mosquito nets treated with insecticide (ITNs), were dramatically reducing malaria related mortality among children. MICS3 results indicated that household availability of mosquito nets in Nigeria was 4.7 per cent and of insecticide treated nets, 4 percent. The use of ITN was still very low. Results indicate that 4.1 per cent of children under the age of five slept under any mosquito net the night prior to the survey and 3.5 per cent slept under an insecticide treated net. ITN use among children under five was more prevalent in the urban than rural areas (5.5 versus 2.6 per cent); it declined rather steadily as age of child increased and improved as family wealth appreciated. Gender disparity in ITN use was slightly in favour of the female (3.7 versus 3.3 per cent). However, the intensive advocacy campaign by the Children's Parliament on ITN use, coupled with positive response from the National Assembly was yielding positive results. The use of ITN had also been made compulsory in all boarding schools in the country.

Pneumonia was a cause of death in children and the use of antibiotics in under-five children with suspected pneumonia was a key intervention. Children with suspected pneumonia were those who had an illness with a cough accompanied by rapid or difficult breathing and whose symptoms were due to a problem in the chest and a blocked nose. The MICS 3 question was limited to children who had suspected pneumonia within the previous two weeks and whether or not they had received an antibiotic within the previous two weeks. Diarrhoea related diseases were still the major cause of under-five mortality while dehydration from diarrhoea was a major cause of death among young children in Nigeria. According to NDHS of 2003, Children aged 6–11 and 12–23 months had the highest prevalence of diarrhoea (27% each).

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Percentage of children with incidence of diarrhoea in 2003 and 2006

Background characteristics	2003	2006
Residence		
Rural	20.7	5.4
Urban	14.5	4.3
Region		
North Central	14.9	5.7
North East	35.1	6.0
North West	18.9	4.9
South East	8.6	5.5
South South	8.0	4.0
South West	6.4	4.1
National	-	5.0

Source: QWIC 2006.

The proportion of children in the North East having diarrhoea was more than five times that of children in the South West (35.1% as against 6.4%). Generally, incidence of diarrhoea had been observed to have drastically reduced both at sector and zonal levels between year 2003 and 2006. According to the 2006 CWIQ survey diarrhoea incident rates ranged between 4 and 6% among the geo-political zones compared to rates recorded for 2003 which ranged between 6.4 and 35.1 percent. In the year 2006, the North East had the highest proportion of children having diarrhoea (6.0%) while the lowest rate was recorded for South-South zone (4.0%).

The traditional Vaccine-Preventable Diseases (VPDs) included: tuberculosis, diphtheria, whooping cough, poliomyelitis, measles and tetanus, while yellow fever, hepatitis-b, haemophilic influenza-b and pneumococcus were some of the newer ones. Of the VPDs, Cerebro-spinal meningitis (CSM) was not included in the basic immunisation schedule, although it was an important cause of morbidity and mortality in Nigeria among children. The campaign to eradicate poliomyelitis was entering its final stage in Nigeria, but the scourge of measles infection was still high and worrisome to most parents and care givers. In spite of the situation, proactive plans were being made to implement nation-wide measles follow-up campaigns in the last quarter of 2008, while isolated vaccinations for control of outbreaks had been ongoing.

Regarding prevention and control efforts of VPDs, it was highlighted that Nigeria had achieved some successes which included: Improved routine immunisation coverage for the VPDs; successful implementation of integrated measles campaigns in 2005/6, with drastic reduction in measles cases; implementation of case-based surveillance for measles in all states with about 89% LGAs reporting in 2007; improved monitoring and supervision; and preventive measures taken to reduce child's death. As reported, according to UNICEF and WHO guidelines, a child should receive a BCG vaccination for protection against tuberculosis, three doses of DPT to protect against diphtheria, pertussis, and tetanus, three doses of polio vaccine, and a measles vaccination by the age of 12 months.

It was remarked that approximately 51 per cent of children aged 12-23 months received a BCG vaccination by the age of 12 months and the first dose of DPT was administered to 46%. The percentage declined for subsequent doses of DPT to 39% for the second dose, and 28% for the third dose (Figure 3.3). Similarly, fewer than 53% of children received Polio 1 by age 12 months and this declined to fewer than 28% by the third dose. The coverage for measles vaccine by 12 months

was over 38%. In contrast, the percentage of children who had all eight recommended vaccinations by their first birthday was only 11%.

The International, Regional and National Legal Instruments and Policies concerning children uphold children's rights to participation, and freedom to express their views in all matters affecting them. These include the CRC, CEDAW, AU Charter on the Rights and Welfare of the Child, National Child Policy (2007), the National Gender Policy (2007), as well as the Child's Rights Act (2003). By ratifying CEDAW, CRC and domesticating the AUCRWC through the enactment of the Child's Rights Act 2003, Nigeria had undertaken to work towards the elimination of discrimination against children with respect to their participatory rights, and had thus established a normative framework for children's participation. The Children's Parliament was inaugurated in Nigeria in 2000 and all the 36 States and the Federal Capital Territory had functional Parliaments.

The cumulative effect of Sections 210 and 214 (1) of the CRA, 2003 was that Nigerian Children enjoyed the right to participate in the process of child justice administration. In the case of children in need of special protection measures, Section 16 of the CRA obliges all responsible persons, authorities and bodies to ensure their full rights to participation. Whilst the right to freedom of expression is guaranteed, Nigerian Laws have provisions that protect children against publications that promote immorality, particularly Section 45 (1) (a) of the Constitution of the Federal Republic of Nigeria 1999. Other legal provisions prohibiting the production and dissemination of harmful publications are contained in Sections 35 and 36 of the CRA, 2003.

As reported, Section 1 of the Births, Death etc. (Compulsory Registration) Act 1992 provides for the compulsory registration of births in Nigeria. Births registration processes were regulated by the National Population Commission. In addition to the legal provisions, the following measures were taken during the reporting period: The Vice-President of Federal Republic of Nigeria in July 2007 launched a nationwide campaign on Birth Registration; Publicity and wide coverage was given to birth registration through a 3-month consistent airing of radio and television jingles; 810 persons made up of Birth Registrars, Birth Notifiers, Birth Attendants, Midwives and Comptrollers from 26 States were trained on qualitative and quantitative data collection process on birth registration; Processing of about eight million vital registration forms, indicates increased birth registration coverage in Nigeria; while Journalists from the print and electronic media were exposed to improved advocacy, social mobilisation, programme communication techniques and strategies on birth registration.

In accordance with the provisions of Section 5 (2) of the CRA 2003, and Section 25 of the Nigerian Constitution, birth registration points had been opened in all government hospitals at all levels throughout the Country. The National Population Commission (NPC) liaises with the African Refugees Commission to ensure that all children born to refugees in the country were registered irrespective of the circumstances of their birth. About 120,000 copies each of birth registration instructional posters and leaflets on "frequently asked questions" were printed and distributed in all 36 states of the Federation and the FCT.

To prevent non-registration of child births, motorcycles were provided to facilitate movements of birth registrars and to ensure registration of births in focal local government areas in Anambra, Imo, Ebonyi, Abia, Akwa Ibom, Cross Rivers, Rivers, Bayelsa and Benue states. In addition, a network was established between the 3 registration centres in LGAs and child delivery institutions to ensure that all children were registered at birth. Also, all Nigerian families identified their children by the names given; some were identified by the distinct tribal scarification on the face and tattoos on other parts of the body. The latter practice which was prevalent in some parts of the country got prohibited by Section 24 CRA 2003.

Section 39 of the Nigerian Constitution and Section 3 of the CRA 2003 guarantee freedom of expression to all citizens including children. The inauguration of the Nigerian Children's Parliament in December 2000 had provided a forum for children to participate in affairs affecting them. The parliament had been institutionalised and provided a platform for children to dialogue with the President of Nigeria and other leaders on a regular basis. Since the Children's Parliament's inauguration, its key officers have participated in the following national and international programmes: Biannual sessions of National Children's Parliament since 2004; Defence of the 1st and 2nd CRC Periodic Report before the UN Committee on the Rights of the Child in January 2005; Week of Young Child celebrated in 6 states (Lagos Ogun, Oyo, Kwara, Abia and Sokoto States, 2005); Children Summer camps, 2005; Nigerian Children's Day Celebration in May 2005, 2006 and 2007; Day of the African Child in June 2005, 2006 and 2007; International Day of Broadcasting in December 2006 and 2007; Sensitisation meeting for Media Executives on the Child's Rights Act in January 2006; and the Regional Conference on the "Almajiri child" of May 2006.

The Nigerian Constitution and the CRA guarantee the Nigerian child's freedom of thought, conscience and religion. Nigeria is a multi-religious state, prohibited by Section 10 of the 1999 Constitution from adopting any particular religion as state religion. Children are educated on the virtues of religious tolerance. In order to promote religious tolerance amongst children with diverse backgrounds, Unity secondary schools had been established in each State of the Federation. The Constitution of Nigeria (1999) guarantees the right to freedom of association and peaceful assembly to all its citizens including children. In addition, the Child's Rights Act contains adequate provisions to ensure freedom of association and assembly by all children. These provisions were given practical effect by the formation of clubs like the Girl's Guide, Boys' Brigade, Boy Scouts, Child Rights and Debating Clubs, frequent inter- schools sporting activities and assembly of Nigerian Children.

Section 37 of the 1999 Constitution guarantees the rights of Nigerians to privacy including those of children. The CRA has further provided for the privacy of the Nigerian Child in the context of parental responsibility to ensure proper child upbringing. On Parental Guidance, Parental Responsibility and Separation from Parents, and Recovery of Maintenance for the Child (CRA Sections 19–20), there were measures adopted to ensure the responsibilities, rights and duties of parents. According to the report, the most recent legal measure adopted in this regard could be found in Sections 19–20 of the CRA 2003, to the effect that subject to age, ability and other legal limitations, every child in Nigeria shall work toward the cohesion of his/her family and community; respect his/her parents and elders at all times and assist them in case of need, among others.

Section 20 states that: "Every parent, guardian, institution, person and authority responsible for the care, maintenance, upbringing, education, training, socialisation, employment and rehabilitation of a child has the duty to provide the necessary guidance, discipline, education and training for the child in his/its care, such as will equip the child to secure his assimilation, appreciation, and observance of the responsibilities set out in this part of the Act." The FMWA&SD had the mandate to promote income generation and employment processes through access to loan schemes. The Ministry also assisted women to set up cottage industries, acquire life skills and other vocational training within the context of their assessed needs and potentials. In order to attain these objectives, the Ministry had a long-term programme to facilitate the establishment on a yearly basis, of three small scale industries to be located in all the states of the federation.

In year 2006, a new initiative on women's empowerment was launched by the Ministry of Women Affairs in collaboration with financial institutions. Tagged 'Women Fund for Economic Empowerment (WOFEE)', it was a revolving loan scheme for grass root women. WOFEE aims, among other things, to facilitate access to better strategies for goods marketing, business training, infrastructural facilities, and provision of a supportive policy environment. Food processing machines were

distributed to women as income generation drives in 19 selected states of the Federation to empower women and combat poverty level of families, while there were plans to distribute to the remaining 17 states of the Federation and the FCT.

Due to social stigmatisation, single mothers often did not make their status public. There were still no reliable disaggregated data on single-parent families. However, this information was part of the questionnaire in the last Census exercise which report was yet to be disaggregated for public use as at the time of this report. NEEDS II document had proposed a framework for providing support to vulnerable groups, especially single parents and teenaged mothers. Orphans and children made vulnerable by HIV/AIDS include children who had lost both parents due to any cause of death and children affected by HIV/AIDS. This included children living with HIV-infected parents and those in foster families affected by HIV/AIDS. The national HIV/AIDS Sero-prevalence was 4.4% in Nigeria, with series of different AIDS epidemic emerging at state levels. According to the 2006 report published by the Federal Ministry of Health, there were about 2.9 to 3.3 million adults living with HIV/AIDS. The number of children orphaned and others made vulnerable by the HIV/AIDS epidemic had increased drastically since 2003. The estimated orphan population in Nigeria was 7 million in 2003, out of which 1.8 million was due to AIDS (figure 5.1). It was projected that the numbers would increase exponentially to 8.2 million by 2010.

Core principles and strategies for responding to the phenomenon

In response to the growing phenomenon of OVC, the following strategies were being applied: Strengthening the protection and care of orphans and other vulnerable children within their extended families and communities; Strengthening the economic coping capacities of families and communities; Enhancing the capacity of families and communities to respond to the psychosocial needs of orphans, vulnerable children and their caregivers; Fostering linkages between HIV/AIDS prevention activities, care and support for people living with HIV/AIDS, and efforts to support orphans and vulnerable children; Targeting the most vulnerable children and communities, and not only AIDS orphans; Give particular attention to how gender role make a difference and address gender discrimination; Ensuring the full involvement of children and adolescents as part of the solution; Strengthening the role of schools and education systems; Reducing stigma and discrimination; Accelerating learning and information exchange; Strengthening partnerships at all levels and build coalitions among key stakeholders; Ensuring that external support does not undermine community initiative and motivation,

A costed 5-year National Plan of Action on OVC had been developed. National Guidelines and Standards of Practice on Orphans and Vulnerable Children were also developed as Nigeria's efforts to accelerate and scale up the implementation of the National Plan of Action (2006–2010). The Guidelines and Standards of practice were developed to ensure that improved and qualitative programmes and services were implemented for the protection, care and support for children considered most vulnerable in Nigeria based on guiding principles of the CRA and CRC. Essential Service and Monitoring Checklist for OVC programmes had been developed to track interventions and programming for OVCs. Government focal points, NGOs and CBOs providing psychosocial support and care for OVC are being capacitated to deliver more for orphans through the developed training manual and numerous training programmes going on across the country in collaboration with development partners and donor agencies.

Other interventions included establishment of community networks and partnerships to promote community based care, social protection and support services for Orphans and Vulnerable Children (OVC); promotion of vocational and entrepreneurial skills acquisition for income generation and empowerment of childcare givers; strengthening capacity of caregivers to provide qualitative care and support services for OVC resident in orphanages and other childcare institutions; and

procurement of educational and recreational materials including construction equipment for OVC shelters. Others include capacity building of young and vulnerable children on peace building, life and management skills and as peer educators; establishment of a national steering committee and a technical working group to provide policy and technical direction to the OVC response based on the costed National Plan of Action. Similar coordination structures are being established at state levels; Development of monitoring and reporting tools on Situation Assessment and Analysis of OVC; Development of policy and advocacy action plans to mobilise resources and support for the implementation of appropriate OVC intervention programs by conducting a Situation Assessment and Analysis of OVC. The survey would provide important information on the trend, magnitude, characteristics and circumstances of OVC.

The FMWA & SD as a sub-recipient under the Global Fund Round 5 Project had recorded the following achievements:

- 1) From March 2007 to March 2008 a total of 498 CBOs and caregivers were capacitated to deliver improved care and support services to OVC and other vulnerable children across the country;
- 2) 2,500 copies of advocacy package on OVC were disseminated to create awareness on OVC phenomenon in the country;
- 3) Two advocacy skills training sessions for Federal and States' OVC unit staff were held with support from EHANSE Project;
- 4) Advocacy visits, sensitisation and awareness creation meetings were conducted at Communities, Local Government Area (LGAs) and State levels in 16 States targeting policy makers, legislators, traditional and religious rulers, women and youth groups/leaders and the OVC themselves. The States were Adamawa, Akwa-Ibom, Anambra, Benue, Borno, Delta, Enugu, Kano, Katsina, Kogi, Lagos, Nasarawa, Niger, Ogun, Rivers and Taraba;
- 5) 50,000 copies of OVC Vulnerability Index (OVI) were developed and disseminated to impact selection and disbursement of funds to OVC in dire need of support. The OVI helped to determine OVC who were greatly in need of immediate help through objectively verifiable criteria in line with the widely circulated Guidelines and Standard of Practice (SOP) and the costed National Plan of Action on OVC;
- 6) OVC Funds Disbursement Committees (OFDC) made up of key stakeholders with defined Terms of Reference (TOR) had been constituted at Federal and State levels;
- 7) Educational and health care support services were being provided to 64 orphans and vulnerable children within each of initial 12 benefiting States.

As reported, there was no disaggregated information on the separation of children from their parents as a result of detention, imprisonment, exile, deportation, illicit transfer or non-return. However, the National Baseline Survey on child Protection issues being undertaken by UNICEF CRC Chair in the University of Lagos sought to address some issues articulated under children separated from their parents. A survey was carried out in 24 states of the Federation to enable the government to obtain relevant data on these children so as to implement sufficient programmes in aid of children on the streets. The development of a comprehensive survey report of the National Baseline Survey on Child Protection indicators was ongoing and would be completed by July 2008, but the results of the pilot survey were documented in the report.

The report cited a pilot survey undertaken by the UNICEF CRC Chair National Baseline Survey on Child Protection issues which revealed that more than 50% of street children covered in the three pilot states were reportedly living with *Malams* (Islamic teachers) while 17.6% lived under the bridge. Those found living or staying in their parental homes were between 6 to 10%. Majority of those living with *Malams* were in Adamawa State (62.5%) and Kano State (94.1%) while 50% of the children lived under the bridge in Lagos. These children (23.4%) were found to have stayed on the

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street for up to 6 months; whilst less than 10% of them had stayed between 3 to 4 years on the street.

The problems faced by street children varied from state to state. The major problem faced by street children in Adamawa State was trafficking (66.7%) followed by automobile accidents and kidnapping (50%); in Kano State (71.4%) had ailments such as fever, skin diseases and hunger, (64.3%). About 80% of street children were faced with the problem of arrest/harassment, with sexual harassment being a major issue in Lagos State.

As reported, the findings indicated that in the 36 states and the FCT, the profile of the institutional childcare centres showed that orphanages accounted for 44%, rehabilitation centres, 34% and remand homes only 22%. A total of 68% were owned and run by various States and Local Governments spread across the country 38% of which were situated in the urban areas, 26% in the semi urban areas and the remaining 36% in the rural areas. A total of 8,614 were residents in the centres studied. 61% were boys, and 39% girls. The centres in the "D" zonal field States topped the list with the greatest number of centres and those in the "A" zonal field States took the lead in terms of residents. The least numbers were reported from centres in the "C" zonal field states with the "B" zonal Field states at the bottom ladder in terms of numbers of residents.

Out of the 87 orphanages studied in the country, 37% were in the "A" field zonal states, and the least number representing 19% was in the "D" field zone. 72% of the orphanages were owned and run by private individuals, NGOs and Faith Based Organisations, compared to 28% belonging to State governments.

There were 1,805 residents 47% girls and 53% boys, with the age range from one week to 18 years. Comparatively, only 11% of children resident in orphanages were aged between 2 weeks and 3 years, the largest numbers were recorded from the "A" and "D" zonal field states. 10% are in the 3 - 5 age bracket, while 22% are in the 6 - 1 age range. The prevailing rate came from children aged between 11-18 years, 37%, formed the core number of children in the institutional childcare centres and these reside mostly in the rehabilitation centres. The remand homes also acted as places of protection for destitute, mentally retarded, lost and found children, those beyond parental control and those in conflict with the law, whose ages ranged from 3 to 18 years, with a few above 18 years.

In some "D" zonal field States, adults were still accommodated in certain childcare centres. About 20% of residents in the centres were above 18 years. There was considerable evidence to suggest that the rehabilitation centres provided care and protection for a greater percentage of this class of adults in centres meant for children. This was because they were constrained to remain in the centres due to physical disabilities which had left most of them incapable of reintegrating into the larger society. The survey indicated an admixture of children with varying ages resident in the orphanages, rehabilitation centres and or remand homes. The Borstal Institutions and Remand Centres Act Cap 38, LFN, 1990, mandated the setting up of remand and correctional centres and put the ambit of ownership on the Federal Government. Some states run approved schools and remand homes.

For effective management of institutional childcare centres, 60 social welfare officers from child care residential institutions in Nigeria received basic standard training, organised by the Federal Ministry of Women's Affairs for counselling and community re- integration of children. In recognition of the need to create an appropriate and enabling environment for the survival, development and protection of all children in institutional childcare centres, the Child Development Department of the Federal Ministry of Women Affairs had developed and published National Policy and Guidelines for the Establishment and Monitoring of Child Care Centres in Nigeria. The document, structured into six sections prescribing establishment, effective management and monitoring of childcare centres, outlined specific regulations and procedures which would guide the establishment, development and

operation of Child Care Centres in Nigeria. The main objective of the policy and guidelines were to provide the basic procedural guidelines for effective monitoring and evaluation for operators of childcare centres in Nigeria.

The 2006 CWIQ Survey showed that 11% of children had both parents absent from the household. 12.9% was recorded for the urban areas and 10.2% for the rural areas. About 3% of these categories of children were not living with their mothers while 6% had their fathers absent from the household. Higher absent rates of both parents were observed in the Southern zones than in the Northern zones. For example, the southwest zone recorded the highest rate (16.3%) followed by south East zone (14.4%) while the lowest rate was recorded for the North West zone (7.0%).

A draft National Policy Framework (2004/2005) on rehabilitation and re-integration of victims of human trafficking had been produced and was awaiting final approval. This framework aimed at creating a common parameter that would serve as a guide for rehabilitation and re-integration of victims of human trafficking and child labour in the country. The National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) was established in 2003 to coordinate all activities relating to Trafficking in Persons (TIP) in the country. This also included taking charge, supervising, controlling and coordinating the rehabilitation, reintegration and reunification of victims of child trafficking in the country. Between 2004 and 2007, the Counselling and Rehabilitation Department of NAPTIP undertook the following major activities: Under the programme of Rehabilitation, 1781 victims were received by the department. Of this number, 19 had been enrolled in schools while one was employed by NAPTIP. Thirty others had been trained in hair dressing and other skills through the assistance of TAMPEP under the ALINA project, and the French Government respectively. 118 have been rehabilitated while the remaining 1613 were awaiting rehabilitation.

249 victims were re-united with their parents of these victims, 16 were handed over to the Embassies of Ghana, Togo and Benin Republic for onward re-unification with their families. Two victims rescued from Benin Republic were re-united with their parents after a difficult tracing process spanning one year and three months. In all, 218 victims as well as 71 traffickers were counselled. Currently, 7 transit centres for trafficked children had been established in four of the six geo-political zones in Nigeria and the FCT. The shelters were structured to provide an immediate protective environment with safety, shelter, security, food, clothing, health services and income generating activities for victims/families of child trafficking

According to the report, the Child's Rights Act 2003 (Sections 51 and 52) makes provision for maintenance of a child where the parents or other caregivers are unable or refuse to provide the necessary care. The affected child would be placed under protection or under the care of the person responsible for his or her maintenance. In cases where the person was able to maintain the child but wilfully refused to do so, the court could order such a person to pay a specified monthly sum for the child's maintenance while under placement. The CRA further mandates parents, guardians, institutions, persons and authorities to provide care, maintenance and good upbringing for all children within the normal home setting. Administrative measures were further put in place, through which government, in collaboration with CSOs, CBOs, FBOs, NGOs and the private sector, was providing institutional care and maintenance for children living outside the home setting and in institutions.

Special vocational training programmes had been developed to assist children from low socio-economic status and for other disadvantaged and vulnerable children. Under the Matrimonial Causes Act a person or parent who has legal responsibility to maintain a child but fails to do so may be compelled by the court to pay the maintenance allowance into court. At the state level, the Social Welfare and Child Development Departments also take up the maintenance of children when abandoned or when parents refuse or evade maintenance. Such children may be placed with any

orphanage or Motherless Babies' Home across the Federation. The child could also be fostered or adopted under the relevant laws and statutes in the respective states. In addition, in determining custody cases, children under 5 years were usually placed under the care of the mothers, while the father is to pay maintenance allowance for the child's upkeep.

According to the report, inter-country adoption was prohibited in Nigeria. The adoption laws of the various states provided that persons adopting or fostering a child should come from the community or locality where the child resides. A Nigerian child could not, therefore, be validly adopted outside the country. Section 116 of the Child Rights Act 2003 prohibits the taking or transfer of a fostered child outside Nigeria. Nigeria had not ratified the Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption adopted in 1993 at The Hague. Nigeria had no mechanism for monitoring the welfare of Nigerian children subject to inter-country adoption. The 2006 Core Welfare indicator Questionnaire (CWIQ) Survey indicated that 0.4% of children were orphans who had lost both parents. In addition, about 3.4% lost their fathers while 1.3% lost their mothers. At the zonal levels, only the North West and North Central states recorded rates below the national average while the highest rate (0.7%) was recorded for the South East. The South East zone recorded the highest rates (9.5%) for children who lost their father while South-South recorded the highest (2.1%) for children that lost their mother.

Unite for Children, Unite against AIDS was a global campaign to alert the world to the fact that children were missing from the global AIDS agenda. It was launched in Nigeria in November 2005. It provided a platform for urgent and sustained programs, advocacy and fundraising to limit the impact of HIV/AIDS on children, halt the spread of the disease, control the pandemic and ensure that the projected figure did not become reality. The campaign provided a child-focused framework for country-level programs around four urgent imperatives (Prevention, PMTCT Plus, Paediatric Treatment and Protection Care and Support for OVC) that were making a difference in the lives and life chances of children affected by HIV/AIDS. Interventions formulated for the achievement of the four P's were: Limit the spread of AIDS through forthright national leadership, widespread public awareness and intensive prevention efforts to protect children and adolescents from infection; Drive to increase national coverage of comprehensive package of PMTCT as well as provide treatment, care and support to women and their families; Paediatric HIV drug formulations and cotrimoxazole to prevent opportunistic infections in infants integrated into public health and child survival programmes; Provide basic services including education, healthcare, nutrition and psycho-social support to children and adolescents driven into poverty and deprived of protective family environment.

In respect of physical violence against children, both the Criminal Code operative in the South and the Penal Code operative in the North provide that while a parent, guardian, teacher or master may correct a child or apprentice under the age of 16 years by means of corporal punishment, such punishment MUST NOT result in the infliction of a wound or grievous harm. In addition, no correction is justifiable which is unreasonable in kind or in degree, taking into account the age, physical and mental condition of the child on whom it is inflicted. Nor is physical correction justifiable where, by reason of tender years, the child cannot understand the purpose for which it is inflicted (Section 295 of the Criminal Code and 55 of Penal Code). The Child's Rights Act, however, prohibits all forms of corporal punishment and other forms of physical and mental violence against children such as childhood marriage, and child abuse within the home.

The Federal Ministry of Justice had completed a draft of the Elimination of Violence Society Bill 2006, and already sent it to the National Assembly for passage into Law. The bill had several sections defining violence against women and prohibiting such acts of violence against women and the girl child. The Bill was drafted in line with Nigeria's International obligations. In support of the proposed

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Federal Law, some State Houses of Assembly had made legislation to prohibit violation of girls/women's rights and punish perpetrators of violence especially in the states. The Houses of Assembly of Benue, Delta, Edo, Jigawa, Kaduna, Lagos, Abia, Anambra, Ebonyi, and Katsina States were already at different stages of passing Domestic Violence Prohibition Bills.

The following legislation were already in place: Law to Prohibit Girl-Child Marriages and Female Circumcision; Law No. 2 of 2000 of Cross Rivers State; Law to Prohibit Domestic Violence against Women and Maltreatment. Law No.10 of 2004 of Cross Rivers State; Inhuman Treatment of Widows (Prohibition) Law 2004 of Edo State; and Malpractices Against Widows and Widowers (Prohibition) Law 2005, of Anambra State

The Federal Ministry of Health had, since 2004, commenced the commemoration of the 'Female Genital Mutilation (FGM) Day' on the 6th day of February. In 2005, as part of programmes to mark the International Day of Zero Tolerance Activism on Violence against Women and to commemorate the 'Female Genital Mutilation (FGM) Day', a series of activities and intervention including training of 120 nurse tutors were carried out. This training covered the integration of FGM prevention and management into the school curricula of Nursing/Midwifery/Public Health Nurses/Community Health Officers in four health zones, namely South East, South West, North East and South-South. Other interventions included a Joint Ministerial Press Briefing on FGM by the Ministers of Health and Women's Affairs and Social Development; Symposium for secondary school teachers and journalists on FGM; Sensitisation visits to the lawmakers, policy makers, gate keepers, traditional/religious leaders and market women leaders to create awareness and behavioural change; Production and distribution of I.E.C materials.

As reported, Nigeria had shown keen commitment to promote and protect the rights of the child to basic health and welfare, through principal legislative, policy, strategic and administrative measures. The Constitution of Nigeria, in Sections 13, 14 (2) (b), 17 (3) (c) and (d), enjoins the federal, state and local governments, and all persons and authorities exercising legislative, executive and judicial powers, to ensure that the welfare and security of children and adult persons remain the primary purpose of government. The Child's Rights Act, 2003, in Section 13 provides for the child's rights to health and health care services and imposes the duty on all levels of government and relevant bodies responsible for the healthcare and welfare of a child. It states that every child is entitled to enjoy the best attainable state of physical, mental and spiritual health. The Act mandates the reduction of infant, and under-five mortality rates and the provision of necessary medical assistance and child health care services to all children with emphasis on the development of primary health care, and the combating of childhood diseases and malnutrition within the framework of primary health care through the application of appropriate technology.

Nigeria had developed a number of policies, plans and strategies that provide enabling environment for child survival and development. These include the National Child Health Policy of May 2005 which provides a long-term direction for protecting and promoting the health of children. It provides a holistic and integrated vision for child health, bringing together in one document all key policy elements to promote child health and development. The document elaborates on core responsibilities of the different tiers of government and major stakeholders and provides the framework for planning, management, delivery and supervision of services to address critical problems affecting childcare in the target group.

The Nigerian Constitution, under Sections 16 (2) (d) and 17 (3), recognises physically and emotionally challenged children as a vulnerable group that needs to be supported financially, materially, technically and protected against all forms of exploitation and abuse and their welfare adequately promoted and protected. The breakdown of types of disability for children aged 0–14 and for females of all ages, as reported by the 2006 census postulations, is as follows: Deafness;

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Deaf and Dumb; Blindness; Crippled; Mental Disability. Special education facilities were the most comprehensive services provided by the states to meet the peculiar needs of children with severe disabilities. The National Policy on Education (2004) makes provision for such education, stating that it is intended to equalise educational opportunities for all children, irrespective of their physical, mental or emotional challenges. Alongside the Federal and State Governments, NGOs and religious organisations had been especially active in the provision of education, welfare and rehabilitation services for the physically challenged children. The various governmental and non-governmental organisations also operated vocational training centres, special schools and homes for physically challenged children in different parts of the country.

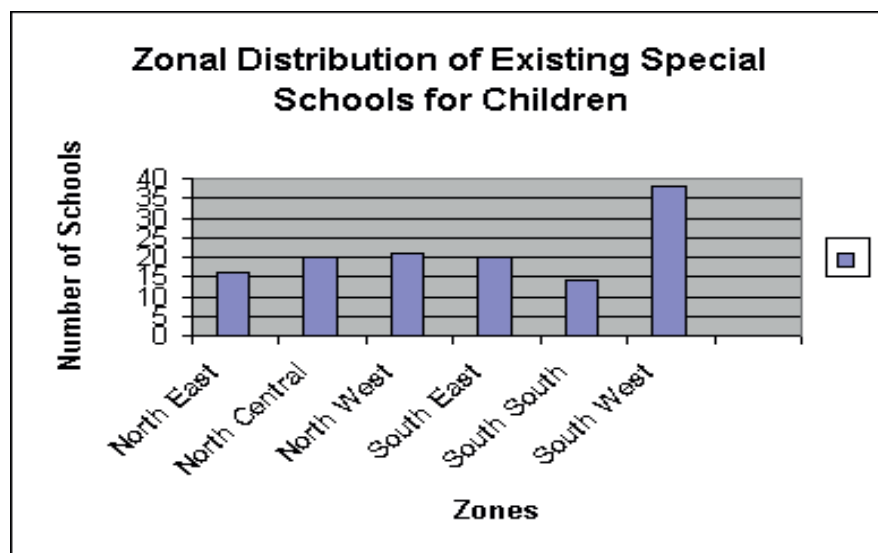
Percentage breakdown of types of disability of children 0–14 years

Age Group	Any challenge		Dumb	Deaf	Blind	Other
0–4	0.3	42.2	7.4	9.9	3.1	39.4
5–9	0.4	36.1	21.3	18.0	2.7	29.8
10–14	0.5	30.7	15.4	18.7	12.4	31.6

Source: 2006 CWIQ (NBS).

In all, there were several institutions providing special education for physically challenged children. These cater for their various needs, although schools for those with visual impairments were especially prominent. There was a marked zonal disparity in the distribution of these schools. The South West had the largest number of schools for physically challenged children. Overall, the number of institutions was still insufficient to meet the educational needs of physically challenged children.

Zonal Distribution of Special Schools for physically challenged children



Source: Federal Ministry of Education (Women and Basic Education, Primary and Secondary Education Departments Abuja) 2005.

As reported, the table below shows the distribution of population of physically and emotionally challenged children by literacy status. The rate of literacy of children varied with age and sex. About half of physically and emotionally challenged children were not literate. The Female population were less literate than male children.

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Disability by age, literacy status and educational attainment

Age	Total Disability	%	Literate	%	Not Literate	%
6–9	161 631	100	91 942	56.9	69 689	43.1
10–11	47 510	100	23 526	49.5	23 984	50.5
12–17	50 302	100	32 686	65	17 617	35
Male						
6–9	76 292	100	47 564	62.3	28 728	37.7
10–11	24 446	100	12 517	51.2	11 929	48.8
12–17	27 605	100	18 890	68.4	8 715	31.6
Female						
6–9	85 339	100	44 379	52	40 961	48
Age	Total Disability	%	Literate	%	Not Literate	%
10–11	23 064	100	11 009	47.7	12 055	52.3
12–17	22 698	100	13 795	60.8	8 902	39.2

Source: Nigeria 1991 Population Census-Post Enumeration Survey (PES) by NPopC/UNFPA 2002.

The rate of disability of children per 1000 was 3.1 and 3.0 for ages 0–5 and 6–11 respectively, but this age groups' disability did not vary greatly by sex. For ages 12–17 the rate of disability increases from that in childhood, to 4.2 disabled persons per 1000. The rate was higher among males than females.

Number and percentage distribution of persons 6–24 with disability by educational attainment

Total population 6–24 with disability	Number	Percentage
Literary status		
Pop. 6–24 with disability	2 947	100
Illiteracy	1 381	46.9
Literacy	1 566	53.1
Educational attainment		
Primary	689	44
JSS/Modern	212	13.5
SSS/Tech	211	13.5
Poly/University	33	2.1
Other	409	26.1
NR	12	0.8
Total	1 566	100

Source: Nigeria 1991 Population Census-Post Enumeration Survey (PES) by NPopC/UNFPA 2002.

According to the report, most states in the country had special education and/or rehabilitation centres and physically and emotionally challenged children had access to scholarship in some states as well as, free medical care, school bus, recreation facilities and book subsidies. They were provided with support gadgets like crutches, wheelchairs, tricycles, hearing aids, and Braille machines to facilitate their development. In addition, they were encouraged to take part in sports, and many special sports were being designed for their convenience and active participation.

On special measures and policies that relate to care of physically and emotionally challenged children, it was noted that the National Policy on Education (revised in 2004) and the Blueprint on Special Education prescribe the welfare and care of physically and emotionally challenged children. The National Reproductive Health Policy and Strategy serves as an effective national platform for strengthening reproductive health activities in Nigeria and facilitates the achievement of improved health, well-being, and overall quality of lives of all children and people of Nigeria including physically and emotionally challenged children. The government through the National Programme on Immunisation and Food Fortification Programmes effectively put in place annual plans to detect, control and eliminate the outbreaks of diseases affecting child health, growth and development and in particular those that cause impairments and disabilities of all sorts in children.

The Integrated Management of Childhood Illness (IMCI) strategy coverage had expanded from 6 to 24 states. Establishment of schools, homes, and rehabilitation centres in most states for the physically and emotionally challenged children and others in difficult circumstances, was ongoing by government, non-governmental organisations and Faith Based Organisations. The rehabilitation centres provide care and emotional stability for these children. Physically and emotionally challenged children were trained in crafts and other occupational jobs like carpentry, tailoring and weaving amongst others in the centres mentioned above. Except for the provisions made in the rehabilitation centres, there were no general specialised services for the physically challenged children.

However, the cumulative effect of the Child's Rights Act, 2003 (Sections 11, 13 and 16) guarantees the rights of physically and emotionally challenged children to dignity, self-reliance, active participation in community as well as access to training, health care and rehabilitation services; strategies for more effective intervention in favour of physically and emotionally challenged children; capacity building for caregivers and teachers, with a view to ensuring self-actualisation for the physically and emotionally challenged children which is ongoing; Intensification of advocacy activities by government and non-governmental organisations, to the general public; Provision of adequate budgetary allocations for programmes for the physically and emotionally challenged children; and Monitoring and evaluation of progress made in the care for the physically and emotionally challenged children. Others are timely data collection on issues relating to physically and emotionally challenged children; Early detection of disabilities where feasible to be carried out *in utero*; Setting up more schools for the physically and emotionally challenged children; Creation of more specialised teacher-training colleges to handle children with special needs and equipping public schools with modern facilities to meet the need of children with special needs.

Special educational facilities were the most comprehensive and well-focused services provided by the government to meet the special needs of physically and emotionally challenged children. The National Policy on Education provides for equal educational opportunities for all children, irrespective of their physical, mental or emotional challenges. Alongside the Federal and State Governments, UN Agencies like UNICEF, UNDP, WHO and UNFPA and CSOs had been especially active in the provision of education, welfare and rehabilitation services for physically and emotionally challenged children.

At the national level, the Child's Rights Act, 2003 puts the age of marriage at 18 years, and by virtue of Section 21 and 23, child marriages and betrothals are prohibited. Most of the states in the country took various steps to reduce under age marriages, including: More advocacy workshops highlighting the negative impact of under-age marriages; Radio and television programmes and discussions; The introduction of Universal Basic Education with emphasis on free and compulsory education for all children up to age 15; Programmes that encouraged enrolment and retention of the girl child in schools, especially GEP supported by UNICEF and DFID; Most states in Northern Nigeria e.g., Bauchi, Zamfara and Kano had enacted laws on compulsory education for girls, and against their withdrawal from school for marriage.

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Several measures had been taken by government to ensure the rights of the child to the enjoyment of the highest attainable standard of health and health facilities in all parts of the country – particularly:

- 1) Policy issues - Passage of Child Rights Laws: CRLs in States of the Federation have given the backbone for development and enforcement of several policies, plans and strategies towards improvement of the Health of the Nigerian Child;
- 2) Development of a National Health Bill: The bill recognised the need to ensure equitable access to health services by all, especially the vulnerable groups including women and children. This clearly defined the responsibilities of the three tiers of government in the provision of primary health care services among others. This bill would also ensure that children had increased access to basic health services. The Bill was in its final stages of being passed by the National Assembly;
- 3) Development of a Ward Minimum Health Care Package: This package contained minimum list of interventions to address the major health problems of Nigerians including children at first level of care. It contained a strategic thrust for the delivery of high impact child survival interventions at primary health care level. The passage of the National Health Bill would facilitate effective implementation of the Ward Minimum Health Care Package and remove economic and physical barriers to minimum set of high impact interventions in child health. Several states had declared free medical health services to mothers and children.

On programmes, the National Health Management Information System (NHMIS), established by the Federal Ministry of Health, promotes health data management for Planning, evaluation and balancing of health services and to correct inadequacies. Research programmes were also going on, on children with learning disability in collaboration with an NGO (the Child Care Trust). Ultimately, Section 13 of the Childs Right Act, 2003 guarantees every child the enjoyment of the best attainable state of physical, mental and spiritual health. Integrated Management of Childhood Illness Strategy through the PHC centres is now being expanded to cover families and communities both in the rural and urban areas. Coverage has also expanded from 6 pilot States in 1999, to 24 States in 2003 and 33 States in 2007 including the FCT; The National Programme on Immunisation organises national and sub-national immunisation days all through the year and provides vaccines for routine immunisation.

There was an intense campaign to eradicate Poliomyelitis. Since the submission of the last report this programme had embarked on immunisation plus days. These were periodic National or Sub-National days during which children under five years of age were offered child survival and development interventions such as Vitamin A, ITN, ORS, de-worming tablets along with Polio vaccines; The baby-friendly-hospital initiative continued to be a cost effective approach to child survival and development through promotion, protection and support of exclusive breastfeeding for six months, and continued breastfeeding with adequate complementary foods for two years and beyond; HIV/AIDS programmes focused on massive awareness creation, the availability of treatment with Anti-Retro Viral (ARV) drugs (including paediatric anti-retroviral drugs), the prevention of mother-to-child transmission of HIV as well as care of HIV/AIDS orphans and treatment of opportunistic infections; Adolescent Reproductive Health Guidelines, including sexuality education had been adopted and promoted in Nigeria. The Safe Motherhood Programme was another successful programme, providing essential obstetric care that ensures the health of the neonatal and survival of the mother.

Micronutrient control programme focused on iodisation of salt, which is about 98%, Vitamin A supplementation for children and breastfeeding mothers in the first 6 weeks including Iron supplementation and de-worming of school children; The Onchocerciasis and Guinea Worm Control

programmes were on-going; The Roll Back Malaria initiative was adopted to control malaria. Through this programme, insecticide treated bed nets (ITNs) and anti-malaria drugs were made available free to under-five and pregnant women, and at affordable prices to other groups; The Federal Government had set mechanisms into motion to get ITN to the rural populace, who were usually the most at-risk by subsidising the costs; The Bamako Initiative was implemented in all the PHC centres to ensure ready availability of essential drugs. Also the role of the National Agency for Food, Drugs and Administration Control (NAFDAC) in combating the menace of fake and sub-standard drugs, contributes to child survival.

Despite these vertical programmes, marginal improvement had been recorded in terms of childhood mortality rate. In order to make significant progress in reduction of childhood mortality rate, the country was paying more attention to integrated health care delivery system through the IMNCH Strategy-2007 that ensured a continuum of care along the life cycle from home/community through primary facility to referral hospital. In line with the above, the National Programme on Immunisation had been merged with the National Primary Healthcare Development Agency (NPHDA) to curb waste and promote synergy.

In MICS3, infant and under-five mortality rates were calculated based on an indirect estimation technique, the so-called Brass method. The data used in the estimation were: the mean number of children ever born for five-year age-groups of women from age 15 to 49, and the proportion of these children who were dead, also for five year age-groups of women. The technique converted these data into probabilities of dying by taking account of both the mortality risks to which children were exposed and their length of exposure to the risk of dying. The table below provides estimates of child mortality by various background characteristics. In Nigeria, the infant mortality rate was estimated at 86 per thousand live births, while the under-five mortality rate was 138 per thousand live births. The Nigerian male child had greater probability of dying as an infant or as under-five than his female counterpart, 92 versus 79 per 1000 at infant and 144 versus 131 per 1000 live births at under-five respectively. Infant mortality rate decreased from rural to urban sectors of the population (94 to 62 per 1000), from the non-educated to secondary school or higher educated mother's (94 to 63 per 1000), and from the poorest to the richest households (101 to 64 per 1000). There were considerable geopolitical zonal variations in infant mortality rates from 68 per 1000 in the South West to 101 per 1000 in the North West; North-South disparity was also evident.

Under-five mortality rate was constantly about 160% higher than infant mortality rates across segments of the population; thus, variations in under-five rates followed the same pattern as those of infant rates across sex of child, residence, levels of education, wealth status and geopolitical zones.

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Infant and under-five mortality rates in Nigeria, 2007

	Infant mortality rate*	Under-five mortality rate**
Sex		
Male	92	144
Female	79	131
Geopolitical zones		
North Central	74	117
North East	84	135
North West	101	166
South East	88	142
South-South	71	111
South West	68	106
Area: sector		
Rural	94	153
Urban	62	96
Women's education		
None	94	153
Primary	84	134
Secondary +	63	97
Wealth index quintiles		
Poorest	101	165
Second	99	162
Middle	92	150
Fourth	73	114
Richest	54	81
Total	86	138

Source: MICS3, 2007.

On access to safe water, sanitation and hygiene, the data covered the periods 1999, 2003, 2006 and 2007. Generally, the percentage of Nigerians that had access to safe drinking water rose from 42.3% in 2003 to 49.1% in 2007. More urban and rural dwellers were having access to safe drinking water. Latest figures showed that access of urban dwellers increased from 64.6% in 2003 to 76% in 2007 while that of rural areas rose from 29.8% to 37.4% within the same period. Except in the South East zone where access to safe drinking water dropped from 68.8% in 2003 to 54.3% in 2007, there was remarkable increase in access to safe drinking water in the geo-political zones. The South West recorded the highest percentage (71.1%) in 2007, a substantial improvement from the figure of 51.1% in 2003. The North East showed the most dramatic improvement from 21.6% in 2003 to 42.5% in 2007.

As reported, according to MICS 3, 2007, overall, 49% of the population had access to improved drinking water sources – 76.0% in urban areas and 37.4% in rural areas. Comparing the national and urban figures in 2006 with year 2007, a slight variation was recorded in the level of access to improved drinking water. The situation in the Northern states was still considerably worse than in the

South. Zonal disparities in availability of improved sources remain the same within the reporting period. Hygiene and sanitation interventions were public health prescriptions which included access to safe drinking water, hygienic disposal of human waste and the promotion of good hygiene practices. The Water, Sanitation and Hygiene (WASH) initiative promotes the washing of hands with soap. The programme is targeting mothers and other primary caregivers to create a hand washing place within the home. This package was being practised together with the treatment of diarrhoea with ORS and zinc supplementation. Likewise, low-cost water treatment materials were ensuring that there was safe drinking water for every member of the household, resulting in reduction of risk infection in U5s. The construction of latrines and the safe disposal of human waste were also part of the widespread intervention at the community level.

In relation to routine immunisation coverage, it was remarked that the government of Nigeria had shown increasing commitment and determination to achieve the health MDGs including MDG4. The NPI was being restructured for more effective decentralisation. The table below indicates the percentage of children aged 12–23 months vaccinated against childhood diseases. There was still a wide disparity between the urban (41.3%) and rural areas (75.2%). There was increased attention to routine immunisation which had led to a change in the polio eradication initiative making it less vertical with plans to add other antigens and child health interventions. This was most manifest in the North Central zone with 68.9% coverage and indicative of the positive massive and aggressive programme ongoing within the country. A lot of effort was still being required to combat the low level recorded in other northern zones- with an all-time low of 39% in north east and 21.1% in North West.

It was remarked that as given in the table below, breastfeeding status was based on the reports of mothers/caretakers of children's consumption of food and fluids in the 24 hours prior to the interview. The table shows exclusive breastfeeding of infants during the first six months of life (separately for 0–3 months and 0–5 months), as well as complementary feeding of children 6–9 months and continued breastfeeding of children at 12–15 and 20–23 months of age. Just 11.7% of children aged less than six months were exclusively breastfed. At age 6–9 months, 41 per cent of children were receiving breast milk and solid or semi-solid foods; by age 12–15 months, 78% of children were still being breastfed and by age 20–23 months, 31% were still breastfed. Girls were slightly more likely to be exclusively breastfed than boys at ages below six months and still had the higher level for timely complementary feeding at ages 20–23 months; this trend was neutralised at ages 12–15 months and completely reversed at ages 6–9 months. Urban children received higher levels of exclusive breastfeeding and complementary feeding than their rural counterparts and levels of exclusive or augmented breastfeeding increases as level of education of the mother increases. Level of exclusive breastfeeding of children under six months of age increased at the highest wealth quintiles; but relatively fewer children in these wealth classes were still being breastfed at the higher ages.

According to the report, as reported in the National HIV/AIDS Reproductive Health Survey of 2003, the proportion of women that received postnatal care for their last pregnancy out of women that gave birth within the last 5 years preceding the survey was 41% for the country as a whole. The proportion varied considerably with the characteristics of the women. Higher level of education was associated with utilisation of post-natal care, as the proportion that received the service increased progressively from 20% among women who did not attend school to 86% among those with tertiary education. Geographically, 31% of rural dwellers received post-natal care compared with 67% of urban dwellers, and by zone, the proportion ranged from 22% in the North West to 68% in the South West.

The Maternal Mortality Rate (MMR) estimates in Nigeria was 800/100,000 live births (IMNHC 2007). Wide variations existed across the geo-political zones. The North East had the highest MMR of 1,159/100,000 live births, compared to 165/100,000 live births in the South West Zone – an almost 10-fold difference. There was a marked urban-rural variation in MMR with 351/100,000(urban) to 828/100,000 (rural). The estimated distribution of the causes of neonatal deaths were identified and indicated as birth asphyxia (25.6%), followed by Preterm birth (23.4%), severe infection (23.1%) and the lowest being diarrhoea disease at 3.9%. Maternal deaths, still births and new born deaths were strongly linked in terms of place of death and delay in access to care. The estimated maternal morbidity patterns shows that 23% of maternal deaths were due to haemorrhage, followed by infection 17% and anaemia, malaria, obstructed labour, toxemia, eclampsia/hypertension and unsafe abortion at 11% while others including HIV/AIDS accounted for 5% of maternal deaths.

Inadequate coverage and low quality of essential obstetric care underlies the high maternal mortality rates in the country. Poverty had significant implications for health and development. Low-income households generally had poorer health status. The incidence of poverty was higher in the rural areas where the MMR was also higher than in the urban area. The distance from the place of dwelling to a health care facility was another reason for most women not accessing health care services.

In recognition of the high U5MR and MMR, the government since the 1990's had adopted the Integrated Management of Childhood Illnesses Strategy (IMCI) and recently Integrated Maternal New-born and Child Health Strategy (IMNCH) to reduce childhood morbidity and maternal mortality. The IMCI was being successfully implemented in 33 States. Within the reporting period, the Nigerian government had shown a greater commitment to substantially reducing maternal, new-born and child mortality as well as meeting the MDG targets. The implementation of some interventions calling for a scaled momentum included exclusive breastfeeding, adequate complimentary feeding, oral dehydration therapy and the treatment of acute respiratory infection.

The "Making Pregnancy Safer" Initiative through the Integrated Management of Pregnancy and Childbirth (IMPC) offered opportunities for addressing early new-born care. The clinical guidelines for the integrated management of childhood illnesses (IMCI) had also been expanded to include the new-born in the first 7 days. The implementation of the NHIS in 2005 started focusing initially on public sector employees. The potential for this scheme to improve access for the poor and informal sector was dependent on how quickly it could build up a sizeable number of contributors. The NHIS was established to support secondary and tertiary health payment systems. As reported, health services are provided through the various hospitals and clinics owned by Federal, State and Local governments. The Local Government is responsible for Primary Health Care (PHC) which includes comprehensive health centres, primary health care centres, health clinics and health posts. Overall, the number of PHC facilities indicated reasonable availability with less regional disparities than was the case with hospitals. There were over 13,000 public sector PHC facilities and almost 7000 private PHC facilities. Although the population/PHC facility ratios were higher in the north east, northwest and south-south, the disparities were not as marked. More importantly, there were relatively more public sector PHC facilities in the north compared to the south.

The Health Management Information System was established in 1990s and had been significantly revised to ensure that standard forms are available to both public and private health care. Information thus generated by the health system was designed to flow upwards from the community (collected by Junior Community health extension workers) through the local government and the state ministries of health to the Federal Ministry of Health. The information collated and exchanged was employed to improve the health care systems in the country. It was remarked that there was an ongoing Health Sector Reform Program in Nigeria (HSRP). The HSRP was the Federal Ministry of

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Health led fundamental realignment/transformation of the organisation, management and financing of the Nigeria Health care system driven by its new bold vision and anchored within the wider regeneration of Nigeria as encapsulated in NEEDS 11. The HSRP was the government's response to dealing with the outlined organisational, systemic and financial challenges facing the national health system.

The comprehensive reform was structured along seven strategic thrusts:

- 1) Improving stewardship role of government; Strengthening the national health system and its management;
- 2) Reduction of disease burden;
- 3) Improving availability of health resources and their management;
- 4) Improving access to quality health services;
- 5) Improving consumer awareness and community involvement;
- 6) Promoting effective partnership, collaboration and coordination. In addition, many of the professional regulatory bodies were reconstituted. For example, the Medical and Dental Council Malpractices Tribunal was functional. These professional bodies were empowered to uphold high standards in the health profession.
- 7) Reducing the distance to health consumer's travel to the health service delivery point was another objective of the health sector reform programmes. The national Primary health care Development Agency was building and equipping an additional 200 PHC Centres across the country to improve consumer access and provide quality health care. The Debt Relief Fund (DRF) was being used to fund this activity in addition to other ancillary activities aimed at achieving the health related MDGs in Nigeria.

As reported, the National Health Bill, designed to successfully revamp the Primary Health Care System and implement the Integrated Maternal New Born and Child Health Strategy (IMNCH), was already before the National Assembly awaiting passage into Law. When passed, it would enhance the financing of health care, especially at the PHC level. In addition, there was a draft Fiscal Responsibilities Bill (FRB) at the National Assembly which when passed would create the framework within which Nigeria's economic policy would be managed. The Bill seeks to compel all tiers of government to adhere to principles of sound public expenditure management. It prescribed rules for financial and assets management and financial reporting. According to the report, the Federal budgetary component of health expenditure had increased from the 1999 ₦16 billion to ₦63.2 billion of the year 2002 budgeted expenditure. The Federal figure for 2006 was about ₦102 billion, representing a 40% increase. The health appropriations in 2006 also included the deployment of ₦21 billion from the debt relief fund towards the achievement of health-related MDGs from the debt relief gains as shown in the table below.

HIV/AIDS education remained a major challenge with the national prevalence rate of 4.4% (2005 Sentinel Survey) and highest state variation rate of 10% portended great danger of an epidemic outbreak in the years ahead if not contained. The HIV prevalence among 15–24 years old rose from 5.7% in 1999, to 5.9% in 2001, and decreased from 5.4% in 2003 to 4.8% in 2005. The decrease had been comparatively more rapid among 15–19 than among 20–24 year olds indicated in the Nigeria MDG Report 2006. In the UNICEF/FGN 2002 to 2007 Programme Plan of Cooperation, the Adolescent Health, HIV/AIDS Prevention, Care and Support project under the Protection and

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Participation section of UNICEF had as part of its objectives the provision of adolescents and young people with adequate information on health-HIV/AIDS prevention, care and support in 774 LGAs; life skills and youth-friendly services in at least 111 focus LGAs to improve their health-seeking behaviour; and the institutionalisation of reproductive health and HIV/AIDS prevention and care initiatives into the NYSC scheme.

Under this scheme and based on the defined objectives, UNICEF in collaboration with the NYSC recorded the following results by the end of year 2007: A total of 119,263 (55% males and 45% females) youth corps members acquired scientifically correct and culturally sensitive information on RH issues and HIV/AIDS prevention, care, and support through the conduct of IEC seminars in 37 NYSC camps nationwide; 7,438 volunteer corps members (41% females) acquired peer education skills in HIV prevention and were training and mentoring peer educators in schools and conducting HIV/AIDS prevention and care outreaches in communities of primary assignment nationwide; 3,868 corps members (32% females) received HIV/AIDS voluntary counselling and testing as part of UNICEF's collaboration with Global HIV/AIDS Initiative in Nigeria (GHAIN) on the NYSC reproductive health and HIV/AIDS prevention, care and support project. Although a fewer number of females were tested, more positive cases (24) were reported among them compared with males (10); 169 orientation/master trainers acquired improved knowledge and skills on Reproductive health issues, HIV/AIDS and life skills. These trainers were deployed to 9 camps to provide accurate and complete information on HIV and AIDS, Reproductive health issues and life skills to about 40,000 Nigerian graduates in 9 camps. The 1800 Peer educator trainers enlisted were expected to train and mentor about 72,000 young secondary school students on HIV, AIDS, Adolescent Reproductive Health and peer education issues over a period of one year.

48 government officials working with youths/NGOs (including state directors of youth development and youth development officers from 27 UNICEF Focus LGAs) acquired skills and knowledge on youth friendly planning and programming; 251 young persons acquired different skills at the Youth Resource Centre in Delta State. 289 were counselled and submitted to HIV/AIDS testing. Referral services were provided to 7 youths who tested positive; 360 young persons from Oyo and Lagos State had improved knowledge in conducting community outreaches on Rights, HIV/AIDS and Gender issues; A total No. of 666 trainers acquired knowledge and skills on HIV and AIDS, Reproductive health issues and life skills for provision of training of corps members in camp; Information existed for the development of NYSC HIV AIDS workplace Intervention; 66,400 Young People age 15–19 in 30 LGAs of Adamawa, Bauchi, Borno Gombe, Plateau, Nassarawa, Taraba, Kano, Jigawa and Yobe states acquired information and skill to practice healthy behaviour or reproductive health and HIV prevention.

2108 Faith Based Youth Organisation members in 42 focus communities in Abia, Akwa-Ibom, Anambra, Bayelsa, Benue, Cross-River, Ebonyi, Enugu, Imo and Rivers, acquired knowledge and skills on HIV AIDS prevention, access to services, care and support; 111 primary health care providers (NGOs, state and LG directors of youth, PHC providers in the NE, NW, NC states acquired updated knowledge and skill for provision of youth friendly services; 30,409 corps members, camp officials and persons from the camps' "mammy markets" in Delta, Edo, Ekiti, Lagos, Ogun, Ondo, Osun and Oyo, were sensitised on the key things to know on RH/HIV/AIDS; 47 out-of-school/street children had their experiences documented and 15 of them were reunited with their families in Lagos, Ogun, Ondo, Delta, Sokoto and Kano States, while others were being supported to go back to school.

As reported, the National Education Policy recommended the establishment of guidance and counselling units in primary and secondary schools. This was to ensure that children received adequate counselling and guidance including education on HIV/AIDS and reproductive health.

However, these units existed only at the secondary school level, as the counsellors were inadequate in number. In some states, youth centres had been established to provide recreational, information and counselling services. There was a national reproductive health guideline/strategy. Government and NGOs collaborate in advocacy and awareness creation programmes on reproductive health including HIV/AIDS. Peer Educators Initiative which involved training of teachers and pupils on environmental health, sexual health and HIV/AIDS had been introduced in the schools with the aim of involving children in counselling of fellow children under the supervision of teachers.

In addition to the introduction of the Prevention of Mother-to-child Transmission (PMTCT) of HIV programme, HIV Counselling and Testing Centres (HCT) had been established in most states of the Federation. The PMTCT programme, which began in six tertiary sites in 2002, had expanded to 230 sites, and about 400,000 pregnant women had benefited from it. HIV/AIDS control had been integrated into the country's PHC system and decentralised to the LGAs, with responsibility for HIV control put in the hands of women. HIV sentinel surveillance was established to monitor trends in the epidemic and assess the impact of the response. The 2005 HIV and Syphilis Sentinel Survey was conducted from August 29 to November 26, 2005. The objectives of the survey were to determine HIV prevalence among pregnant women attending antenatal clinics, assess the trend in HIV prevalence and provide data for estimating and projecting the HIV epidemic in the general population.

The 2005 Sentinel Survey (HSS 2005) involved 36,931 pregnant women attending antenatal clinics in 160 sites (86 urban and 74 rural) in 36 States and the FCT. The survey was managed by a Survey Management Team set up by the Federal Ministry of Health under the chairmanship of the Director of Public Health. The National Action Committee on AIDS (NACA), UN agencies, bilateral agencies and other stakeholders participated as members of the committee. The unlinked anonymous testing strategy was adopted using syphilis and other routine blood tests as entry points. Specimens generated were screened for HIV and syphilis antibodies. Overall, the HIV prevalence was 4.4% with 95% Confidence Interval (CI). Benue State in the North Central Zone had the highest State prevalence of 10% while Ekiti State in the South West had the least State prevalence of 1.6%. In general, HIV prevalence was higher in urban (4.6%) than in rural sites (3.9%). However, this observation was not consistent across the States. The highest site-specific prevalence (14.7%) was recorded at Iquita-Oron, a rural site in Akwa-Ibom State. The overall prevalence for Syphilis was 1.5% ranging from 0.0% in Abia to 7.6% in Rivers.

The HIV prevalence among pregnant women aged 15–49 years had declined over the last few years (5.8% in 2001 to 5% in 2003 and 4.4% in 2005). The same trend had been observed among young pregnant women aged 15–24 years. Several factors linked to the national response explained the observed decline including the effect of the ongoing intervention efforts, the increase in the number of rural survey sites, and death of those previously infected. Based on the current HIV prevalence in the country, it was estimated that about 2.9 to 3.3 million people were living with HIV/AIDS at the time of the report.

It was remarked that in order to address the grossly inadequate treatment regimen for children infected with HIV/AIDS, government developed a Paediatric Anti-retroviral Therapy (ART) Guideline, a draft paediatric ART training manual and National Paediatric Framework. Also, the demonstration phase of 'Early Infant Diagnosis' for early detection of HIV/AIDS in HIV-exposed infants had been concluded.

According to the report, the estimated number of maternal AIDS orphans in 2001 was about 930,000 children, making Nigeria the country with the highest number of AIDS orphans in the world. Orphans for whom surrogate/foster parents could not be found amongst extended family relatives were sent to any of the orphanages, throughout the country. Following the West African Regional Conference

on Orphans and Vulnerable Children (OVC) held in Yamoussoukro, Cote D'Ivoire, in April 4–8, 2002, Nigeria established an OVC Stakeholders Committee to address the issue of the increasing number of OVC due to HIV/AIDS. This was followed by the creation of OVC units at National and State levels. The priority objectives and strategies needed for improved care of children affected by HIV/AIDS would require a multi-sectorial approach. Consequently, Nigeria's OVC National Plan of Action 2006–2010, was launched in May 2007. The launch of the Plan of Action had provided the needed impetus and framework for the acceleration of the national response to the orphans and vulnerable children situation by all stakeholders. The 3000 printed copies of the NPA had been widely disseminated among key stakeholders.

UNICEF, in collaboration with the Federal Ministry of Women's Affairs and Social Development, implemented activities based on defined objectives in the OVC NPA using the most appropriate combination of the strategy mix of advocacy, capacity building, service delivery, programme communication and empowerment. Key results achieved were as follows: A baseline survey on the situation of orphans and vulnerable children in Nigeria was at the data collation and analysis stage, under the coordination of the Federal Ministry of Women's Affairs and Social Development; A coalition of civil society organisations in 10 northern states provided care and support services to 25,000 orphans and vulnerable children in 30 LGAs/communities; 27 NGO members of the Children and AIDS coalition from Sokoto, Kebbi, Kaduna, Niger, Kogi, Katsina, Kwara, Zamfara and FCT, during an interactive session, acquired knowledge and skills on establishing, running and sustaining of OVC support groups and also developed a guide for the whole process, including monitoring in CFO focus LGAs; Political leaders were mobilised to allocate adequate national resources to the care of orphans and children made vulnerable by HIV/AIDS; Capacity of families and communities was strengthened to support and care for orphans; Community-based responses were stimulated and strengthened; Awareness was raised in communities on the need to create an enabling environment for orphans and children made vulnerable by HIV/AIDS; Sustainable communication initiatives aimed at reducing stigma and discrimination were supported; The involvement of the global community and development partners was facilitated.

Sections 21–25 of the CRA sought to address HTP such as early marriage/betrothal, tattoos and skin marks and exposure to, or involvement in the use of narcotic drugs or production of psychotropic substances. Other measures were Advocacy and awareness creation e.g., Celebration of International Day of Zero Tolerance and Sensitisation of school children and Youth Corps members; Mass media sensitisation and partnership in information dissemination; Legislation by State Houses of Assembly against some of these harmful practices; Training programmes to re-orientate practitioners in Female Genital Mutilation (FGM) and to provide alternative employment opportunities for them; Girl child education and adult literacy campaigns.

As reported, various levels of government had undertaken several measures aimed at ensuring equitable distribution of services, personnel and equipment in the health sector through the following efforts: Development of Ward Minimum Health Package to replace Minimum District Health for all Packages; 328 completed Model Primary Health Care Centres had been completed between 2001 and 2006 nationwide, while 246 were still under construction; Social Security and Child Care Services – Articles 26 and 27. According to the report, the National Child Policy was developed by the Federal Ministry of Women's Affairs and Social Development, in collaboration with other stakeholders. The thrust of the National Child Policy is to provide a window of opportunities for the various levels of government, civil society groups, development partners and other stakeholders to contribute meaningfully to the promotion and protection of the best interests and welfare of the Nigerian Child. In developing the strategies that would be employed for its implementation, mechanisms that would provide 'protective, preventive, and transformative' social protection services for children were articulated.

Planned and specific social protection strategies that provide income or consumption transfers to the poor, protects the vulnerable against livelihood risks, enhances the social status and rights of the marginalised; with the overall objectives of reducing the economic and social vulnerability of poor, vulnerable and marginalised groups were all indicated in the document. The strategies developed have been forwarded to the National Planning Commission to ensure these are integrated into the NEEDS II document for effective implementation. As reported, in 2005, a National Health Insurance Scheme (NHIS) was launched by the Federal government and children were expected to be the prime beneficiaries through their parents' participation and contribution to the fund.

Informal linkages on social security and childcare services existed between the Federal and States Ministries of Women's Affairs & Social Development. In year 2006, new initiatives on women empowerment by the Ministry of Women's Affairs in collaboration with financial institutions was launched as the Women Fund for Economic Empowerment (WOFEE), a revolving loan scheme for grass root Women in Agriculture. WOFEE aimed among other things to facilitate access to land and better goods marketing strategies, business training, infrastructural facilities, better technology, and provision of a supportive policy environment. WOFEE was established to facilitate direct flow of credit to grassroots women groups, while within the same launching period food processing machines were also distributed. These were implemented to reduce time and energy used while processing foods to generate income and to achieve food security at the household level, and above all to defeminize poverty, which in turn impacted the lives of children. The FMWA&SD was also planning a revolving loan for women in business – tagged as the Business and Development Fund for Women (BUDFOW).

It was remarked that the agricultural sub-component of the National Policy on Women 2000 sought to, *inter alia*, remove the obstacles to women's access to land, loans/credit and other productive inputs. In 2004 the SMEDAN Scheme was initiated to lend weight to the above policy by strengthening women's access to special revolving loans through finance houses. An example was the establishment of the Nigeria Agricultural Cooperative and Rural Development Bank (NACRDB) which provided Micro Credit Schemes especially for women. While there was no disaggregated data to measure the success of these initiatives, it was noteworthy that finance houses had recorded appreciable successes in the recovery and recycling of the micro revolving loans and more women in urban areas/cities had easier access to loans which had considerably enhanced the average standard of living.

Measures put in place by government to ensure child right to education include the development of policies in education to strengthen and direct quality delivery of educational services to all children. The Policies developed include the National Policy on Integrated Early Childhood Development (IECD), Minimum Standards for IECD, School Health Policy, and National Policy on Gender in Basic Education and Policy on School Based Management Committees for improved school management. A Teacher Education Policy was being finalised by FME. The Federal Ministry of Education (FME) had developed a Ten-Year Strategic Plan to raise attainment in the classroom and beyond. World Bank/DFID were engaged in the development of State Education Sector Plans in three states — Kano, Kwara and Kaduna, while DFID/UNICEF/FME were engaged in the development of State Education sector plans in another three states — Niger, Bauchi and Jigawa. Education component was adequately reflected and covered in the National Economic Empowerment Development Strategy (NEEDS), State Economic Empowerment Development Strategy (SEEDS), the President's 7 Point Agenda as well as increased budget allocation for the education sector.

As reported, between 2004 and 2007, a total of ₦15.58 billion was committed by the Federal Government to the UBE Programme through the National and State Offices. The amount was expended essentially on renovation of classrooms, provisions of new classroom blocks, payment of teachers' salaries and provisions of teaching and learning facilities at the Primary School level. State

governments across the country had maintained a regime of budgeting for and funding such infrastructure and facilities at the secondary school levels. At the time of the report, the Government through the UBE Commission at the National level, and relevant Agencies at State and Local Government levels, was engaged in a World Bank financial loan and assistance arrangement for meeting the UBE needs in terms of infrastructure, facilities and teacher education. In response to the huge challenges the education sector was facing, education was allocated more funds in budget 2006 than any other sector. 8.8% of total budget or 11% of allocations was given to ministries and relevant agencies on education.

Additionally, considerable sums out of Nigeria's savings on debt relief by the Paris Club were spent on education. Also, the Federal Government in December 2006 provided ₦18.2 billion from the Debt Relief Fund, to address the boys' dropout rate as well as the educational needs of *Almajiris*. The promulgation of the Child's Rights Act and the UBE Act was strengthening these efforts. The report listed the measures employed to improve quality of education as: Improvement of school infrastructure through various government institutions i.e., Education Trust Fund, Universal Basic Education Commission grants to schools and FME Debt Relief Funds; In service teacher training programmes through National Teachers Institute (NTI), National Commission for Colleges of Education (NCCE) and UBEC; Improvement of sanitation in schools including provision of safe water and construction of latrines through the DFID, EU and UNICEF/FME funded programmes; Promotion of health and hygiene in schools through integration into the curriculum, child to child, child to parent, and child to community strategies and introduction of school health clubs; Improvement of school management through the establishment of School Based Management Committees (SBMCs) in which every public school in Nigeria was mandated by law to establish an SBMC to plan, coordinate and manage schools effectively; Provision of teaching and learning materials to schools; Introduction of school-based teacher training programmes, student tutoring mentoring and counselling programmes and role models to improve the quality of teaching and learning; Introduction of competitions to promote academic excellence, for example, International Olympiad competitions and recognition of the best performing teachers among others; and Child Friendly Schooling imbibed as a policy by UBEC

As reported, the problem of quality of children's education largely informed the strategies adopted in the formulation of the repackaged UBE Programme. As at 2003, the UBE coordinating office and State SUBEBs had initiated specific measures in curriculum innovation, textbooks development, teacher education and provision of teaching and learning materials in public schools in order to set and maintain uniform standards. The government of Nigeria in order to improve teaching standards and assess quality had implemented the Revision of NPE in 2007; National School Inspection – Operation Reach All Secondary School (ORASS) and Operation Reach All Primary School (ORAPS) as well as a Federal Teachers Scheme (FTS) for primary schools in rural areas; and the minimum teaching qualification became NCE (Nigerian Certificate in Education)

There were two secondary schools officially designated for gifted and talented children in the country – the Federal Government Academy, Suleja, and the School for Gifted, Gwagwalada, which are funded by the Federal Ministry of Education (FME) and the Ministry for Federal Capital Territory (MFCT) respectively. There was a Special Needs Education Division in the FME that catered for special needs children. Early 2007, ₦2 billion was released for procurement of brailing machines and to train teachers in sign language. The Universal Basic Education Commission had a scheme for supporting educational institutions for special needs children. The students were drawn from all parts of the country and from different socio- economic and cultural backgrounds.

According to the report, the UBE policy of building new schools and class rooms was to ensure community participation in the sustenance of the facilities. State Primary Education Boards in the

North West, North East, parts of North Central and South West, had also been involved in donor-assisted collaborative programmes to address religious and socio-cultural impediments to the uneven distribution of schools and facilities. In addition, UNICEF supplied building materials for rehabilitation of infrastructure, provisions of VIP toilets and hand pumps to all the 36 Local Government where the Girls Education Project (GEP) is on-going. This was to encourage Girls' enrolment, retention and completion. In Sokoto, Katsina, Jigawa, Bauchi and Yobe States, for example, the 2002–2007 UNICEF assisted programmes seek to promote non-formal education for the development and integration of *Islamiyya* and *Qur'anic* schools with regular primary schools, while the FME has approved the National Policy for the Standardisation, Upgrading and Integration of Formal Education into the Qur'anic Schools system. In the South West, religious organisations (both Christian and Islamic) had been involved, through the policy of return of schools to religious organisations by state governments, to enhance efforts aimed at addressing the problem of uneven distribution of schools.

Provisions of the Child's Rights Act 2003, in Sections 11 (a) (b) and 221 (i) (b) and CRLs, which prohibit corporal punishment in Nigeria were being implemented in some states. In addition, the FMWA & SD had carried out sensitisation workshops across the country to disseminate findings and recommendations of the UN Secretary General's report on Violence Against Children. Pupil-Teacher Ratio (PTR) remained constant from 1998 to 2004 at about 1:39.20, but had risen to 1:40.36 in 2005 due to increased intake of pupils through Basic Education Programme (FME Baseline 2004 and 2005). A total of 299,386 qualified primary school teachers were recorded in 2005. Oyo state had the highest number of qualified teachers amongst the states with 24,679, representing 8.24%. This was followed by Lagos state with 21,471 (7.17%), while Zamfara state recorded the least with 1,249 qualified teachers. Generally, female qualified teachers pre-dominated in the Southern states as against their counterparts in the north.

It was reported, that in furthering its commitment to promoting gender equality through education, the Federal Government of Nigeria, through the Nigerian Educational Research and Development Council (NERDC) had completed a gender review process of the curricula used in primary and secondary schools. To enhance the quality of teacher performance and curriculum delivery under the UBE programme, UBEC had institutionalised cluster in-service training programme in 19 states of the federation. Efforts had been made to deploy teachers to the rural areas with better incentives. The National Teachers Institute (NTI) has the mandate to train and re-train teachers for the UBE programme. The Teachers Registration Council of Nigeria (TRCN) has the mandate to register teachers in Nigeria for harmonisation and professionalisation of the teaching profession.

The TRCN had since 2004 embarked on efforts aimed at the standardised professionalism of teachers by registering only qualified teachers as members of the council. In collaboration with the Institute of Education in Nigerian Universities, the TRCN had expanded access to quality teacher education programmes and introduced the teacher education programme called post graduate diploma in education (PGDE) which caters for holders of degrees in non-education fields as well as ordinary national diploma (OND) and higher national diploma (HND) graduates who wish to become qualified teachers. The TRCN had also reviewed teacher education curriculum to make it more relevant and effective for the Nigerian educational system. Secondary school curricular on the following subjects: health education, physical education, Christian religious studies, computer education, citizenship education, French, Fine Arts, Hausa, Igbo and local crafts had been reviewed.

A new Teacher Education Policy had been approved by the country with a view to ensuring the quality and professional competence of teachers in the basic education sub-sector of the school system. UNESCO Nigeria Country Office was in the forefront of relevant initiatives through the Teachers Education initiative for Sub-Saharan Africa project. The National Commission for Nomadic Education (NCNE) had continued to train the existing teachers in nomadic schools on the

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peculiarities and expectations of the nomadic education curricula and also enhanced their knowledge, skills and competences through exposure to new and innovative teaching methods. Up to the time of the report, 2,575 teachers out of a total of 4,218 teachers in 1,350 nomadic schools across the country had been trained. With regard to educational facilities, records available at the Federal Ministry of Education show that in 2002, there were 50,518 public primary schools with 491,751 teachers and 6,844 public secondary schools with 163,348 teachers nationwide. Available statistics indicated that there were more primary and secondary schools in the South West, and South East geopolitical zones of the country than in the other zones of the Country.

There was also a higher concentration of primary and secondary schools in the urban areas than in the rural areas across the country. These imbalances in the pattern of spread of schools no doubt had implications for accessibility to schools by children in rural areas or from poor socio-economic background/families. All states in Nigeria practised the policy of free primary and junior secondary education for all children. In reality, however, provision of teaching and learning facilities such as books, writing materials, desks, and chairs was shared between parents/ guardians/NGOs and governments in most states of the country. In the South West and South East States, for example, classroom furniture and teaching materials were provided by state governments while parents were responsible for children's uniforms, feeding, text books and other learning materials. In some states in the North, government, in addition to providing classroom facilities and teaching materials also provided uniforms (in most cases for girls), mid-day feeding, and textbooks for primary and secondary school pupils. In spite of government and parental support in provision of facilities in schools, teaching and learning equipment still remained inadequate in many schools.

As reported, the National School Census (NSC) had become a major source of educational data in the country. The UBE/FME had conducted two of such surveys so far – the maiden census which was conducted in 2003 and the latest in 2006. In terms of technical quality, there was a marked improvement in the standard of reporting of the 2006 NSC data when compared with the 2003 version. The 2006 NSC revealed a Net Enrolment Rate [NER] of 80.60% suggesting that a substantial proportion [19%] of the primary school age population [6–11 years] nationwide was not enrolled in primary schools. This represents 4.7m Nigerian children aged 6 to 11 that did not have access to primary education (Table 7. 1 and 7.2). A comparison of the 1999 MICS data with the 2006 NSC would show that the system recorded an overall improvement in GER from 81% in 1999 to 90% in 2006. Both GER and NER as well as school ownership [public versus private] varied tremendously across states. Gender participation still favours males but the gap appeared to have been narrowed marginally from 12% in 2003 to 10% in 2006. There were, however, wide variations in gender gap across the states and zones. While wide gender gaps (in favour of males) still existed in the North, with the North West zone presenting the worst case scenario, they seem to have disappeared in the South. More females than males were denied their rights to lower basic (primary) education in the North.

Enrolment trends in NFE from 1999–2004

Year	Male (M)	Female (F)
1999	663 323	604 374
2000	721 948	675 004
2001	5 144 611	414 610
2002	8 931 379	502 316
2003	7 349 089	397 046
2004	8 717 683	446 410

Source: FME/UBE 2005 National School Census [NFE].

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Total Enrolment in Primary School (Classes 1–6) as reported, was 22,115,432 in 2005, comprising 12,189,073 Male and 9,926,359 Female. Enrolment was lowest in the northern states, particularly Zamfara, Sokoto, Kebbi, Yobe, Borno and Niger States. Only 299,386 primary school teachers possessed the prescribed requisite teaching qualification, with the largest number concentrated in the south west (Oyo, 8.24%, Lagos 7.17%) and lowest percentage in Zamfara State. Percentage Allocation to FME from the National Budget plummeted from 10.68% in 1999 to 4.41% in 2005 and picked up again to 8% in 2006. Primary Six Completion Rate was 67.5% in 2005 while Transition Rate to Junior and Senior Secondary Schools were 35.4% and 14.7% respectively in 2005. Completion rate rose from 58% in 1990 to 69.2% in 2004 and dropped to 67.5% in 2005.

The table below shows the primary school completion rate in year 2006. The national primary school completion rate was 12 per cent. The result showed 10.5 per cent completion rate in the rural areas and 16.1% in the urban areas. The South East zone had the highest primary school completion rate of 22.9%, followed by South West (18.6%) while the least rate (5.8%) was recorded for North West.

Primary school completion rate (2006)

Background characteristics	Completion rate
National	12.0
Sectors	
Urban	16.1
Rural	10.5
Zones	
North East Zone	6.3
North West	5.8
North Central	12.8
South East	22.9
South West	18.6
South-South	17.2

Source: NBS CWIQ, 2006.

Primary School Enrolment by Gender and Geo-political zones

	Gross enrolment	Net enrolment
Overall	94.7	62.4
Gender		
Male	98.4	64.0
Female	89.7	60.4
Residence		
Urban	109.3	75.4
Rural	89.3	57.5
Zones		
North East	69.7	44.6
North West	66.8	43.5
North Central	116.48*	73.3
South East	126.2*	82.4
South West	117.4*	82.9
South-South	116.5*	77.3

Source: NBS CWIQ Survey, 2006.

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* *Note:* Gross Enrolment Ratio (GER) was defined as the total number of pupils enrolled in primary schools divided by the population of children aged 6–11 years old. The GER figure could be swollen by the enrolment of children outside the officially designated age group, due for example, to the repetition of school years or a late start in schooling. If there were large numbers of such children enrolled, the GER may be more than 100 per cent.

Secondary School Enrolment by Gender and Geo-political zones

	Gross enrolment	Net enrolment
Overall	76.1	45.9
Gender		
Male	78.2	45.9
Female	72.9	46.0
Residence		
Urban	93.0	59.8
Rural	68.5	39.8
Zones		
North East	47.1	26.3
North West	42.8	25.8
North Central	83.1	46.4
South East	96.8	59.9
South West	97.8	65.2
South-South	102.6*	58.9

Source: NBS CWIQ Survey, 2006.

According to the report, the Federal and State Ministries of Education subscribed to the policy of running guidance and counselling units in secondary schools. Most secondary schools in urban areas across the country offered such services to cover vocational information, and educational guidance for students. For primary schools, the dearth of qualified staff was a major hindrance so most children began to access vocational information and guidance only at secondary school level. The UBE Commission had initiated steps for the training of counsellors and the production of relevant manuals to be used in all primary schools in the country. Former Federal Trade Centres, which were mainly for training artisans, had then been transformed to Federal Science and Technical Colleges, with their programmes incorporated into the UBE programmes. This opened the way to produce qualitative low and middle level manpower for the country. Additionally, government had introduced Vocation Educational Initiative, which sought to incorporate into the educational curricula at both the Secondary and Tertiary levels entrepreneurship programme.

Provision of Non-Formal Education option to meet the learning needs of children, girls and boys, who had never been to school or second chance schooling opportunity for school drop outs had been made. The FGN Gender Education Project and integration of traditional Qur'anic Schools in the Universal Basic Education addresses issues of gender, geographic and economic disparities by integrating children excluded from mainstream basic education. The DFID/UNICEF assisted Girls Education Project in six states (Bauchi, Borno, Jigawa, Sokoto, Niger and Katsina) funded by DFID to the tune of £26million provided a great leverage for improving access and participation of girls in basic education in northern Nigeria. Integration of modern subjects such as English Language, Mathematics, Basic Science and Social/Life Skills Education into traditional Qur'anic School Curriculum also provide opportunity for Almajirai children to receive quality basic education alongside the traditional Qur'anic Education. The FGN ownership of the Girls Education Project and

commitment of the MDG Debt Relief Allocation to basic education to address gender issues was a major policy push.

Other noticeable efforts in reaching excluded groups included the programme on girl-child education in some Northern States and the Non-Formal Education (NFE) programme for street boys and girls in urban areas of Sokoto, Kaduna, Lagos, Ibadan, Aba, Onitsha as well as for Qur'anic school pupils in the Northern States. The special NFE programmes were run mostly by some NGOs and State Agencies for Mass Education with considerable assistance from UNICEF. The National Policy on Education had approved the integration of formal education curriculum into the Islamiya/Quranic Education. Also, there was a Radio programme in 14 local languages and primers had been developed for the non-formal sector. NGOs also collaborated with various States and Local governments in working with children excluded from schools. The FMWA & SD had also established two (2) Drop-In-Centres in Ebonyi and Sokoto States to enable children who dropped-out of the Formal school system, to acquire basic literacy, numeracy as well as life skills.

As reported, Education Reform commenced in 2006 to address issues of internal efficiency and management of the education system. Directives were given to all primary and secondary schools to establish School Based Management Committees (SBMCs) to improve governance, planning and monitoring of school projects and administration. In addition, a Child Friendly Schooling Framework was adopted by the Government for school operation and management and the Inspection Division of the Federal Ministry of Education was re-awakened to its responsibility as the quality control arm and watchdog for the entire education system. Operation Reach All Secondary schools (ORASS) was conducted to assess status of schools prior to the 2006 Reform and introduction of measures to streamline the negative outcomes reported from the exercise.

Special capital funds were provided under the UBE programme to states to build additional classrooms and renovate existing ones to create adequate learning spaces for children. Government embarked on a series of initiatives to increase quality and number of teachers for basic education. These included certifying all qualified teachers through the National Teachers' Registration Council, reviewing of the Teacher Development Minimum Standards to ensure qualitative product turn out, introduction of the School Based Teacher Development programme as a continuous measure to orientate and refresh teachers' skills on the job and aggressive training of teachers by NTI under the PTT programme. The NTI had also begun the Special Teachers' Upgrading Programme (STUP) for selected unqualified Teachers who had been in the Education system for a long time.

The STUMEC (Student Mentoring and Counselling) and Role Modelling in Girls Education Project Communities was introduced in schools with the prospect of scaling up participatory measures to encourage children (especially girls) to stay in school during the period of compulsory education. Further, non-formal education programmes were introduced to address the high illiteracy rates as well as integration of core subjects into traditional Qur'anic Schools and provision of functional literacy education to out of school girls in non-formal education settings. Flexible non formal education arrangements existed in all LGAs through the National Commission for Mass Literacy and Non-Formal Education (NMEC) and its state agencies to provide basic, post, and functional literacy to interested out-of-school children, youth and adults.

In 2006 the HIV/AIDS unit of FME developed a Strategic Plan for tackling HIV/AIDS for 2006–2010 target periods (The National Education Sector HIV & AIDS Strategic Plan — NESP — (2006–2010)). The NESP aligned with the National Policy on Education (NPE), National Policy on HIV & AIDS, National Economic Empowerment and Development Strategy (NEEDS) and The Millennium Development Goals (MDGs). It targeted all the sectors of education and addresses such thematic areas as planning, coordination and resource mobilisation; prevention of new infection; impact mitigation; enabling policy environment, and monitoring and evaluation.

Nigerian children's rights to leisure, play and involvement in culturally related activities were enshrined in the National Policy on Education. Nigerian children from all states and local government areas in the country were brought together to attend national events like the Children's Day Celebration on May 27 every year, and the National Children's Festival for Arts and Culture (NACHIFEST). During such national programmes, selected children had the opportunity to participate in government-sponsored activities such as Holiday Camps, Creative Arts Competitions and Exhibitions, Essay Competitions and Cultural Displays. These activities were replicated at all states and local government areas in the country. Across the rural areas of the country, children's participation in leisure, play and cultural activities are guaranteed in the rich traditional and cultural socialisation processes of the respective ethnic and religious groups. In all state capitals and major urban cities across the country there were amusement parks and gardens specially designed for children to enhance their rights to leisure and play.

It was remarked that provisions guaranteeing special protection measures for children were contained in parts III, IV, and V of the Child's Rights Act 2003. The implementation of the provisions of Part III (Sections 21–25) of the *Child's Rights Act* has improved with the adoption of the Act by many states of the Federation. Part III provides for the protection of the rights of the child through the prohibition of Child marriage; Child betrothal; Infliction of tattoos and skin marks; Exposure to use, production or trafficking of drugs and psychotropic substances; Use of children in any criminal activity; Abduction and unlawful removal and transfer of a child from lawful custody; Forced, exploitative or hazardous child labour, including employment of children as domestic helps outside their own home or family environment; Buying, selling, hiring or otherwise dealing in children for the purpose of hawking, begging for alms, prostitution, unlawful intercourse, other forms of sexual abuse and exploitation prejudicial to the welfare of the child. The Act also prohibits recruitment of children into the Armed Forces of Nigeria.

Part IV (Sections 41–49) of the Act provides for additional protection through civil and welfare proceedings. Thus, it makes provisions for securing assessment orders in relation to ascertaining the state of health or development of, or the way in which the child has been treated, with a view to enabling a determination as to whether the child is suffering or is likely to suffer significant harm. To this end, the appropriate authority may secure an order from the Family Court for emergency protection of children where and when necessary. The Act additionally imposes duties on State Governments to safeguard or promote the welfare of any child in danger or suspected to be in danger of suffering significant harm within their jurisdiction.

Part V (Sections 50–52) of the Act empowers a Child Development or Police Officer or any other authorised person to bring a child in need of care and protection before a court for a protective or corrective order, if he has reasonable grounds for believing that the child: Is an orphan or is deserted by his relatives and or neglected; Has either the guardian or one or both parents imprisoned, ill-treated or is battered by his parent or guardian or imprisoned; Mentally deranged, or otherwise severely handicapped; or Found begging for alms in any circumstance or found in company of a reputed/common thief or prostitute, or; Otherwise beyond parental control or; Exposed to moral or physical danger or in Situation of Emergency.

Nigeria had established the Emergency Preparedness and Response (EPR) Project which consists of two sub-projects —emergency data management and preparedness; and field response, communication and networking. In addition, the Oil Spillage and Vandalisation Control Agency responded to oil spillage under emergency situations. To strengthen government's capacity for coordination of emergencies in the country, UNICEF supported NEMA and State Emergency Management Agency (SEMA) to anchor series of trainings between 2002 and 2004. These included: Training of trainers (TOTs) for 45 government officials in 2002; Training of 9 editors and 39 reporters

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drawn from both the electronic and print media across the country on emergency reporting sensitisation workshops on the operation of the National Disaster Response Plan (NDRP) — the government's framework for emergency coordination in Nigeria — was conducted for 56 middle cadre officers and Directors from the ministries of Health, Education, Water Resources, Environment, Agriculture, Federal Road Safety Corps and the Civil Defence.

It was remarked, that the main strategy of capacity building remained appropriate. As the first step in this strategy, the project in 2003 assessed local emergency data management capacity gaps at the Federal level and in 12 states (Bauchi, Borno, Cross River, Delta, Ebonyi, Ekiti, Enugu, Kaduna, Kano, Katsina, Kogi, and Lagos) with the aim of addressing the gaps identified. The report indicated that most states were still grappling with the new concept of state emergency management and how to mainstream this into the state governance structure. It was highlighted that the armed conflicts in Sierra Leone and Liberia caused an influx of refugees into Nigeria, the bulk of them were women and children. The National Commission for Refugees (NCR) maintained a camp in Oru, Ogun State where educational and other recreational facilities had been provided for children.

In 2006, with the assistance of the United Nations High Commissioner for Refugees in Nigeria a number of refugee children had been repatriated back to their home countries. National and International CSOs had been able to augment government efforts towards the promotion and the protection of the rights of women and children within the camp. Refugee children enjoyed equal rights as nationals with regards to all the rights enshrined in the CRC, for instance, refugee children had access to existing primary and post primary schools and public schools were free for refugees. Refugee children also had access to extra curricula activities such as sports and cultural activities. In 2006, UNHCR Nigeria country office in collaboration with African Refugee Foundation (AREF) and the institute of Peace Education Finland organised Peace Education activities for refugee children. A day care centre was also established for over 200 refugee children who were not of primary school age; Refugee children had access to the national health services. Every year, immunisation against polio, yellow fever, measles and other vaccine preventable diseases were conducted for all children and adults in the camp, through the National Expanded Programme of Immunisation. Free pre-natal services were offered at the government hospitals in Ijebu-Ode and Oru for pregnant women. After delivery, children were immunised progressively from first week to the ninth week.

In 2006, in collaboration with the International Committee for Red Cross (ICRC), over 300 requests for family tracing were received from refugees in Nigeria and about 265 messages from other countries were distributed in the camp. Refugee children had access to birth registration through the National Population Commission. As reported, the African Charter on Human and Peoples' Rights makes provisions for the care and rehabilitation of refugees, especially those affected by conflicts. Nigeria, as a nation, had over the years, provided refuge for such people from various areas in Africa. People affected by natural disasters and economic problems were also similarly accommodated. Refugees and internally displaced persons were catered for by such institutions as the National Commission for Refugees, International Red Cross and Red Crescent Societies, the Salvation Army, NEMA, State Emergency Relief Agencies (SERAs), as well as other institutional response agencies like the Search and Rescue Unit of the Armed Forces and of the Nigeria Police Force. NGOs set up schools and educational Centres for some of the children that are internally displaced.

In cases of domestic conflicts, such as communal clashes, riots and religious violence, the civilian population, including children, were usually protected by the deployment of police personnel and in extreme circumstances, military personnel. These personnel evacuated the vulnerable groups to safer environment where psychological, post-traumatic and humanitarian assistance were given to child victims of armed conflict or violence by the combined efforts of Government, NGOs and international agencies. It was remarked that most child offenders often came from broken homes

and lacked parental guidance. Normally, poverty and lack of education dominated their backgrounds. Some child offenders involved in what were called "status offences", such as vagrancy, truancy or wandering were usually detained for their own protection. Others were detained at the request of parents for stubbornness or for being "beyond parental control."

Up to two-thirds of all child offenders experience some form of physical, verbal and emotional abuse during arrest or detention by the police and most young offenders in detention did not get proper meals, sleeping facilities, recreational facilities and facilities for personal hygiene. Sometimes the ages of child offenders were difficult to determine because of the non-availability or evidence of registration at birth. Child offenders were not often prepared for life after detention due to the inadequacy of vocational and educational facilities, counselling services, and after-care services that should assist in their rehabilitation and reintegration into society. In response to the problems, the Child's Rights Act, 2003 was enacted to provide for a new system of child justice administration and the care, support and protection of vulnerable children and those in conflict with the Law. The child justice administration system in Nigeria as contained in the CRA is an admixture of both the justice and welfare models stated in relevant international instruments and standards. It accommodates the basic requirements for the constitution and professionalisation of handlers of the child justice system administration and provides for both non-custodial and custodial institutional measures for children in conflict with the law. It further provides for the protection of children in need of care and special attention.

Actions taken in implementing the provisions included: The CRA, 2003 and the various CRLs had provided for mandatory free legal representation/aid for children. Mechanisms had been put in place to provide children free legal service delivery through establishment of pro-bono services by the Nigerian Bar Association. Also, similar free legal service delivery was being rendered by various NGOs, the respective Offices of the Public Defender and the various zonal offices of the Legal Aid Council; while Family Courts were being established in Nigeria as the platform for effective implementation of the child justice administration. A family court was already established and functioning in Abia; Diversion programmes were currently being introduced into the child justice system. Specifically Alternative Dispute Resolution mechanisms were being strengthened to ensure that all disputes/conflict involving children were settled through victim-offender conferences and family conferences. Magistrates handling children were also being encouraged to adopt diversion programmes.

Advocacy strategies were also being employed with parliamentarians and policy makers to ensure the provisions of the CYPL, while the Penal Code, the Criminal Procedure Code and the Sharia Penal Code were reviewed and brought in conformity with the provisions and standards of the CRC and CRA; The CRA and CRLs had all excluded the application of death penalty to persons below 18 years; Relevant professionals and child caregivers were acquiring improved knowledge on appropriate national and international standards to ensure better care and support for children in conflict with the Law and other vulnerable children; Both the Social Welfare and the Child Development Departments had in place programmes on rehabilitation and re-integration of vulnerable children.

The provisions of the Child's Rights Act were said to be consistent with those of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) which prohibit incarceration of children unless there was no other way of dealing with them satisfactorily. The Act goes further to make the following provisions: Prohibition of corporal punishment (Section 221 (1) (b) CRA 2003); Abolition of the "age of criminal responsibility." Instead, the Act gives the age of 18 years to be the age below which a child cannot be subjected to the adult criminal processes, but can only be subjected to the child justice administration process (Section 204 CRA, 2003); Prohibition

of joint trial of children with adults under any circumstance (Section 205 CRA); and the separation of children from adults in detention in all circumstances (Section 222 CRA);

As reported, the Nigerian child justice system deals with violation of criminal laws, as well as other forms of delinquency, such as truancy, insubordination to parents and guardians, intemperate drinking and smoking habits, and promiscuity, including prostitution. The system also deals with the civil processes in relation to care and protection cases and lost or abandoned children. Priority was being given to the provision of adequate number of institutions and trained personnel to handle child offenders. Other specific priority objectives and strategies for assuring the full protection and re-integration of children in conflict with the law and other vulnerable children would focus on the following areas:

- (a) Crime and Delinquency Prevention - The machinery for monitoring and preventing juvenile crimes was being strengthened at all levels of the society, with the goal of minimising offending or delinquent behaviour in them. This had multifaceted benefits for all. For the child, it assures his growth as a good and responsible adult citizen; and for the society, assures order, peace and security.
- (b) Provision of Access to Quality and Affordable Education - Government, at all levels, were actively promoting this objective, despite the paucity of funds because of the potential benefits of basic education for all citizens. Currently, implementation of the various constitutional and legal provisions on this issue was steadily progressing. Priority attention was being given to the following: Full implementation of the Universal Basic Education (UBE) Programme to ensure education of the child; Vigorous re-introduction of civic and moral education in the school curriculum; and Establishment of mechanism for and placement of social welfare personnel in schools to, among other things, reduce victimisation, criminality and anti-social behaviour within the schools and communities

The scheme worked with schools on wholesale approaches to behaviour and discipline, identify and work with children and young people at risk of becoming victims or offenders, support vulnerable children and young people through periods of transition such as the move from primary to junior secondary school, junior secondary to senior secondary school and create a safer environment for children to learn and live in. Efforts were actively being made to involve children in the planning and implementation of Child Justice programmes at various levels of the Nigerian society. Some of these new initiatives included: Establishment of peer education for children in and out of school; establishment of peer assessors in the context of the family court, as well as that of community conflict resolution; and Ensuring participation of the child offender in a life skill adolescent development programme, such as anger management, civic responsibilities, and skills acquisition; establishment of child-friendly facilities in rural and urban centres

Strategies adopted in the implementation of this objective included: Establishment of child welfare desks at police stations, schools, clubs, local governments offices, and suitable rural facilities, which will enable children to be able to access complaints mechanisms for abused children or children at risk of abuse or victimisation, remedies (civil and criminal) where abused, or otherwise victimised, or at risk of such; and information, or counselling; offering of information about actual or potential abuses or victimisations of themselves, or other children known to them, including physical, sexual and psychological abuses.

Adoption of diversion programmes designed to divert children away from the formal judicial proceedings and towards community support was being emphasised by the Child Justice system. This was with a view to providing alternative ways of dealing with child offenders, especially first offenders and those whose offences were of a minor nature. Such programmes included community

service of a non-exploitative nature, temporary re-location to homes of families and child care institutions. Other diversion options included pre-trial community service; vocational or life skills training programmes; victim-offender mediation; family conferences; reparation to victim for the injury, loss or damage done to him.

It was remarked that to further actualise the strategies, all officers dealing with children's cases, namely, police, social workers, child development officers, child psychologists, judicial officers, and other personnel, were being specially trained in the handling of diversion programmes. UNICEF had had extensive consultation and interventions with the various stakeholders (Federal Ministry of Justice, Nigeria Police, Nigeria Prison Service, National Human Rights Commission, Nigeria Bar Association, Legal Aid Council and several Civil Society Organisations) to promote reforms in child justice administration within the five years preceding the time of the report, based on the Protection and Participation programmes of the FGN/UNICEF programme of Cooperation between year 2002–2007 and year 2008 – the bridging. Results of the collaborative initiative included the setting up of a National Technical Committee to strengthen the child justice systems and coordinate the establishment of family courts systems in Nigeria including monitoring the application of free Legal services to trafficked, vulnerable and at-risk children. With the intervention of the National Technical Committee the Conference of All Nigerian Judges conference which held in November 2007 committed to set up Family Courts to improve legal protection for children in Nigeria. Other results of the initiative and programme of cooperation were as indicated below.

About 1,500 members of the Nigerian Bar Association made up of lawyers, judges and magistrates in year 2006, had improved knowledge of legislative reforms and developments in the child justice system and are equipped to provide legal representation and services to vulnerable children and those in conflict with the Law; 100 caregivers in Osun, Oyo and Kaduna states, and from 8 institutional child care Centres including *almajirai* caregivers acquired skills and knowledge on child's rights and were better equipped to give care and conducive environment for children deprived of primary care; 370 children in conflict with the law in Borstal training institution had access to life skills, anger management, and conflict resolution/provision of psychosocial counselling/pro bono services as a result of the exposure of 50 Borstal institution caregivers to the CRC principles, diversionary measures and current child justice administration; 80 children, women and youths in Kaduna and over 600 vulnerable children, young persons and women in Enugu, Anambra and Rivers State had access to free legal aid and counselling services.

Coalition of NGOs and government partners comprising of Representatives of the Ministry of Justice, Women Affairs, the Prisons Service, Police, Nigerian Bar Association, Legal AID Council, Taraba National Youth Council and other Human Rights Based NGOs in Plateau and Taraba State provided free legal services and counselling to over 200 indigent children who were in conflict with the law. In the same period, awareness creation on child justice administration through provision of mattresses, pillows and beddings to children and young people in children and young people's homes improved the residents' living conditions and challenged the caregivers on providing improved and better care of the children in the Plateau, Nasarawa and Taraba States institutional child care centres; and 80 caregivers in Osun and Oyo have improved knowledge on managing children in institutions and were providing better and a more protective environment to children in their care.

All Judges in Nigeria were committed to the setting up of Family Courts in Nigeria as a result of the advocacy visits to the Chief Justice of the Federation and the Director General of the National Judicial Institute; skills and knowledge of over 2000 members of the NBA members made up of lawyers, magistrates, judges and other law enforcement officers were enhanced on the provisions of the CRA and delivery of protective services and care for children in conflict with the law and other vulnerable children through distribution of 1800 copies each of the publications, *'Profile of Diversion*

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Programmes in Nigeria and *Standards of Pro bono Services in Nigeria* at the 2007 Nigerian Bar Association Conference; The established technical working group was coordinating, monitoring and improving the provision of *pro bono* services within the NBA and other role players in the Child Justice Administration.

The setting up of a coordinated mechanism to monitor, collate and analyse data on recovery services for children in conflict with the Law and other vulnerable children resulted in successful provision of free legal representation, rescue and recovery services for over 1005 vulnerable children and those in conflict with the Law in year 2007. Key information on the care and protection services for children in institutions was made available at all levels of the Child Justice Administration in the country through the developed *Assessment Tool to Assist National and State government in the Implementation of Child Justice Administration*. Other achievements included free legal aid and counselling services to 500 Children, young persons, and women in conflict with the law in, Ebonyi, Anambra and Rivers states (29 of whom were released from prison custody); and the recovery and reintegration of 192 (158 boys and 34 girls) children in conflict with the law and in need of care and protection in by the coalition on Child Justice Administration in Plateau and Taraba State and in the 3 focus LGAs.

Establishment of a state child justice administration committee comprising of FIDA, SMWAD, NHRC, NBA, NGOs, Police, Prison, FBOs and the media in the Jigawa, kano, Adamawa, Gombe, Bauchi, Plateau, Nassarawa, Borno, Taraba and Benue States is reinforcing provision of pro bono services, counselling and legal aid for children in conflict with the law and in need of care and protection; while interactive session of key stakeholders on Child Justice Administration also in Jigawa, Kano, Adamawa, Gombe, Bauchi, Plateau, Nassarawa, Borno, Taraba and Benue States (Directors of Child Development, Chairman of the Nigerian Bar Association, Legal Aid Council and Human Rights NGOs) was promoting access to sustainable justice for children in conflict with the law and in need of care protection among stakeholders; 100 Children in conflict with the law in Kogi, Kwara, Niger, Kaduna, Zamfara, Katsina, Kebbi and Sokoto States acquired improved knowledge based on the different provisions of the CRA and were better informed on their responsibilities. Similarly, Police Area Commanders from 12 states and 24 Juvenile Welfare Desks Officers from 24 states of the Federation had improved knowledge on counselling, care and protection of children at the Police stations and are better positioned to effectively and efficiently deliver improved recovery services for children in conflict with the law and other vulnerable children; Improved data management and information processing techniques to assess the situation of children in conflict with the law at the Juvenile Welfare Desks offices across the country was put in place in year 2007.

According to the report, over the years, many laws had been enacted at the Federal and State levels, dealing with various child protection issues and the enforcement of the rights of children. Principal among these laws were: The Children and Young Persons Laws of various States of Nigeria; The Labour Act CAP 198 LFN (1974); Trafficking in Persons (Prohibition) Law Enforcement and Administration Act (2003). Various State Laws dealing with child trafficking, street trading, child labour, and the abolition of harmful traditional and cultural practices, such as female genital mutilation, early marriage and other forms of physical or psychological exploitation and abuse of children, and Harmful Publication Acts. The Child's Rights Act 2003, which incorporates and updates the provisions of all previous and existing laws dealing with the rights of the child and Child Justice Administration. Child's Rights Laws already passed in Ogun, Imo, Ebonyi, Anambra, Ekiti, Rivers, Taraba, Plateau, Nassarawa, Jigawa, Kwara, Edo, Bayelsa, Lagos, Oyo, Osun, Ondo and Abia States. The Nigerian Law Reform Commission in its report on the reform of Family law in Nigeria submitted to the FGN made specific provisions for parental responsibilities that are actionable when breached

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It was highlighted in the report that the Child Justice system at the time applicable, ensured that a child in conflict with the law had the right to treatment that promotes the child's sense of dignity and self-worth that took the child's age into account, and aimed at his or her reintegration into society and assuming a constructive role in society. The placement of a juvenile in a closed facility was to be avoided, whenever possible, and deprivation of liberty should be a measure of last resort, limited to exceptional cases and for the shortest time possible. The pre-trial juvenile justice system involved the initial contact often accomplished by arrest, by invitation or by voluntary accompaniment of juveniles by their parents or guardians to police stations, either in consequence of a complaint or in order to lodge a complaint.

The facilities provided in these homes were still inadequate. These facilities included: Primary/Secondary Schools educational materials; remedial classes; vocational/craft centres; first aid facilities; sick-bays and clinics; access to hospitals and visits by doctors and other health officials; facilities for games, toys for younger children, play grounds; beddings, toilet facilities and television sets. How Conditions in such Institutions are Monitored (Section 198 CRA); and staffs of the institutions were usually subject to supervision by designated State Ministries and officials while NGOs, other interested agencies, and members of the mass media had access to these homes and report on their conditions. Members of children's families had rights of visits; Health officers, mainly doctors and sanitation officers also visited these homes from time to time and the officials send periodic reports to their parent Ministries. On complaint procedures, children were encouraged to speak up on cases of ill treatment to superior officers or to other agencies and individuals visiting the homes. Such complaints were taken up with other appropriate officers in supervisory Ministries, who usually take steps to correct anomalies. Many times, exposure of adverse conditions or situations of ill treatment through the mass media drew the attention of high-ranking government officials, including State Governors. As reported, there was no known case of imposition of capital punishment on any child. The laws in Nigeria prohibit the imposition of life imprisonment on persons below 18 years, and in accordance with the CRA, even death penalty could not be recorded against a child.

The Child's Rights Act in Sections 221–225 states that 'No child shall be ordered to be imprisoned, subjected to corporal punishment or death penalty or have death penalty recorded against him', and a court shall on sentencing of an expectant or nursing mother consider a non-institutional sentence as an alternative measure to imprisonment. Where institutional sentence is mandatory, an expectant and nursing mother shall be detained at a Special Mother's Centre for a period not longer than the time the child would have attained the age of 6 years. The Act has thus indicated that special treatment should be given to expectant or nursing mothers, and a mother must under no circumstances be imprisoned with the child. The Labour Act CAP 198 LFN 1990 includes a wide range of provisions (Sections 58–63) prohibiting or regulating various forms of child labour. Section 59 prohibits a child under the age of 12 years from all work except where he is employed by his family on "light work of an agricultural, domestic or horticultural character."

It allows apprenticeship from the age of 12 years with the consent of the child's parent but forbids any child under the age of 15 years from working in any industrial undertaking. As a result, large, formal sector organisations tended not to employ children who were below the age of 15 years. The labour inspectorate system monitored the formal sector to ensure respect for the provisions of the Labour Act. Two major legislations were enacted in 2003 to further reinforce the protection of children and to incorporate the provisions of the *Convention*. These were the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, and the Child's Rights Act, 2003. Almost all the States in Nigeria had various laws prohibiting hawking, street begging, child prostitution and other forms of exploitative labour against children.

International treaties and protocols on women and children ratified by the Government as at December 2001 included: ILO Convention 138 on Minimum Age; Optional Protocol to the Charter on Elimination of All Forms of Discrimination against Women; ILO Convention 182 on Elimination of the Worst Forms of Child Labour; Charter against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment; Charter against Trans-national Organised Crime; Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The country had commenced the ratification process of the following: Optional Protocol on the Involvement of Children in Armed Conflicts; Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; Children and Drug Abuse – Article 33.

In 2003, a UNODC sponsored IDU Survey in Port Harcourt and Kano and a 2005 follow-up survey conducted in Calabar, Benin, Maiduguri, Kaduna, and Ibadan, (with a total of 546 subjects) – indicated that the average age of injecting drug users (and non-injecting users of injectable drugs like heroine) was 31 years. Both studies demonstrated that injecting drug use had probably spread to many of the major towns and cities all over the country. It showed that abuse of pentazocine in Nigeria by both oral and injecting methods had become a public health problem in need of urgent attention, and that Nigerian drug addicts engaged in high-risk behaviours that predisposed them to HIV infection. Maisandari ward of Maiduguri Metropolitan Council was an environment where many *almajirai* inhabited. A resident psychiatrist performing his residency in Maiduguri decided to take on one *tsangaya* (a koranic educational setting for children) as a case study determining a correlation between *almajiranci* and substance abuse. Drug use and other forms of high-risk behaviour had not yet been studied among this group of homeless children. The aim of the project was to determine the prevalence and socio-demographic correlates of drug use among the *Almajiris*. The methodology employed was a cross-sectional survey, using a multi-stage sampling technique. Confidential interviews were conducted in informal community settings on 340 male *Almajiris* aged 5 to 16 years.

Results of the study indicated an overall prevalence of drug use was 66.2%. The most frequently used drugs were stimulants (49.7%), volatile solvents (21.5%), cigarettes (19.1% and cannabis (18.5%). The least used were alcohol (3.1%), sedatives (3.5%) and dried pawpaw leaves (5.3%). Children from polygamous homes had a higher prevalence of drug use than those from monogamous homes. This was true for all the drugs but was significant for volatile solvents, cannabis and sedatives. Use of cannabis had a significant relationship with polygamous family type, loneliness and separation of parents. These factors were also significant for use of volatile solvents. The study provides the first substantive evidence of the high prevalence of drug use among the *Almajiris* of Nigeria, calling for appropriate government intervention.

As pointed out in the report, Government had, over the years, embarked on massive public awareness programmes to warn about the dangers of drug abuse, especially for children. For a long time, the United States Government decertified Nigeria because it was felt that Nigeria was not doing enough to fight drug trafficking by her nationals. Nigeria responded by strengthening the laws on drug abuse and drug trafficking, culminating in the establishment of the National Drug Law Enforcement Agency (NDLEA), with wide-ranging powers to prevent, monitor and prosecute cases of drug production, abuse and trafficking. There were over 2,000 Drug Free Clubs in Nigeria, undertaking awareness campaigns, public lecture series, talk shows, drama presentations, quizzes, and peer education to create behavioural changes amongst young people. Drug education had been introduced into the primary and secondary curricula in a collaborative initiative between NDLEA and the National Education Research Development Centre of the Federal Ministry of Education.

The combined effect of the provisions of the CRA, CRLs and the NDLEA Act, showed that Nigeria had the legal framework for controlling the sale, use and trafficking of drugs and psycho-tropic

substances by children. This legislation had abundant provisions in terms of structures and procedures for treatment, counselling, recovery and re-integration of children involved with drugs and psycho-tropic substances. Officials of the NDLEA also carried the campaign to high-population areas such as market places, religious houses and community centres. In addition, psychiatric centres had been established around the country to provide counselling and treatment of serious cases of illicit drug usage and abuse. Delta State in particular, had a drug abuse control committee which carried out sensitisation campaigns and counselling. All these efforts had resulted in the recertification of Nigeria by the United States.

It was highlighted that at the time of developing the report, comprehensive information on the country's recent efforts in combating sexual exploitation and sexual abuse was yet to be finalised. UNICEF Nigeria and the University of Lagos entered into a Cooperation Agreement on 12 December 2003, for the establishment of the Convention on the Rights of the Child (CRC) Chair in the Department of Public Law, University of Lagos. Pursuant to this agreement, a UNDS team (comprising UNICEF, ILO-IPEC and UNODC) and the University of Lagos identified priority issues for the implementation of the Cooperation Agreement. The first priority was the generation of baseline data on various issues affecting the rights of children and youths in Nigeria through the conduct of a National Baseline Survey on Child Protection thematic issues.

The scope of the Baseline Survey covered the protection and participation issues as they affected children and women in Nigeria. It specifically included five main thematic areas of interest namely: Sexual exploitation and sexual abuse of children; Child trafficking; Child domestic work, child labour in construction industry and agriculture; Youth violence, youth crime and Drugs, Militia and Area boys; and Child/youth in conflict with the law, orphans and vulnerable children. The survey was carried out in 24 States of the federation and data analysis concluded. The report documenting the demographic situation, socio-economic patterns, trends, interventions and programmes being implemented to combat the above-mentioned child protection thematic issues, would be ready by July 2008.

As reported, the 3rd and 4th CRC Country Periodic Report had attempted to capture in graphic detail, efforts made by Nigeria towards the attainment of the objectives of the CRC regarding the well-being of the Nigerian child. Essentially, Cluster 1 covers the general measures adopted by the country to effectively comply with Articles 4, 41, 42 and 44 of the CRC, which included institutional, legislative and policy frameworks as well as budgetary provisions during the current reporting period. It was considered that the facts contained in the Cluster made it apparent that since the last report, Nigeria had made remarkable progress in her bid to promote and protect the interest of the Nigerian child. It was emphasised, that with the enactment of CRLs in 13 more states, and several others were making spirited efforts to do the same, chances were that in the nearest future the contention over minimum age for the child will be completely resolved across the country. This was because the provisions of the CRA are comprehensive and supersede all other enactments. A guiding principle for dealing with children's issues remained that at all times the best interest of the child should be paramount.

By ratifying CEDAW and CRC, and domesticating the AUCRWC, Nigeria had undertaken to work towards the elimination of discrimination against children with respect to their participatory rights and has thus established a normative framework for children's participation. The formation of the National Children's Parliament in 2000 was a clear demonstration of this. With 37 functional chapters, this forum had provided the Nigerian child a useful platform for free expression on all issues of national life. Lobby groups, children's clubs, newsletters and magazines had also become popular channels for children's participation. It was hoped that the planned survey by the Ministry of Education on physically and emotionally challenged children would provide data for planning

interventions that would minimise their exclusion. Government was also demonstrating visible commitment to birth registration through short and long-term strategies. Information contained in Cluster 5 showed clearly that a lot was being done in the area of family environment and alternative care for children. It enumerated the efforts the different arms of government, international agencies, and CSOs were making in re-integrating and rehabilitating vulnerable and at-risk children and women. In areas where there was paucity of data, there was ongoing National Baseline Survey on child protection indicators and National Situation Assessment Analysis of OVCs in Nigeria. Issues ranging from rehabilitation centres, Borstal homes, reintegration of trafficked children, child marriage and the extent of government administrative intervention and execution were also enumerated in this cluster.

Clusters 6 and 7 document in detail Legislative, policy, administrative and strategic measures taken by the Nigerian government to promote and protect the rights of the Nigerian Child to health and welfare as well as education and leisure. In the health sector, challenges facing the country such as mother-to-child transmission of HIV/AIDS, high maternal and child mortality rates, malnutrition, and childhood diseases were being addressed within the framework of the IMNCH. Though substantial progress had been made in the area of health education, enrolment rates school infrastructure, introduction of leisure and competitive recreational education, inadequate funding however remained a big challenge. Cluster 8 highlights government's commitments to and efforts at guaranteeing special protection measures for children in need of care and protection through the application of international standards in the legislative and administrative processes. It also documented government's efforts at addressing the issue of paucity of data on child protection indicators through partnership with development partners and the academia.

10.8 Concluding Observations on the Periodic Report of Nigeria

The Committee considered the combined third and fourth reports of Nigeria (CRC/C/NGA/CO/3-4) at its 1505th and 1507th meetings (CRC/C/SR.1505 and 1507), held on 26 May 2010, and adopted the concluding observations set out in the succeeding paragraphs at its 1541st meeting, held on 11 June 2010. The Committee welcomed the third and fourth consolidated report of the State party as well as the written replies to its list of issues (CRC/C/NGA/Q/3-4/Add.1) and commended the State party on the frank and self-critical nature of the report. The Committee appreciated the presence of a high-level delegation, led by the Minister of Women's Affairs and Social Development, and the constructive dialogue.

The Committee welcomed the positive developments related to the implementation of the Convention, such as:

- (a) The adoption of legislation enacting the Child Rights Act (CRA) (2003) in 24 states of the federation;
- (b) The Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act of 2005;
- (c) The adoption of policies and strategies aiming at strengthening the implementation of the Convention, including: The National Plan of Action on CRC/CRA (2009-2015) of 2008; The National Action Plan for the Promotion and Protection of Human Rights in Nigeria (2009-2013); The National Child Policy and National Child Health Policy of 2007; The National Plan of Action on Orphans and Vulnerable Children (2006-2010) of 2007; The National Policy and Guidelines for the Establishment and Monitoring of Child Care Centres in Nigeria; The National Policy on Adolescent Health of 2006 and the Integrated Maternal, New-born and Child Health (IMNCH) Strategy of 2007; The Action Plan developed by the National Population Commission for a permanent and sustainable birth registration system.

The Committee also welcomed the accession by the State Party to the following instruments: The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 27 July 2009; The International Convention for the Protection of All Persons from Enforced Disappearances on 27 July 2009; The Optional Protocol to the Convention against Torture on 27 July 2009; and The Convention on the Prevention and Punishment of the Crime of Genocide on 27 July 2009.

The Committee welcomed efforts undertaken by the State party to address the concerns and recommendations adopted upon consideration of the second periodic report of the State party in 2005 (see CRC/C/15/Add.257). However, it remained concerned that certain recommendations were not given sufficient follow-up. To this regard, it urged the State party to take all measures to address those recommendations contained in the concluding observations on the second periodic report that had not yet been implemented and to provide adequate follow-up to the recommendations regarding, inter alia, data-collection systems, the harmonisation of minimum ages and definitions, the death penalty, juvenile justice, corporal punishment, and children with disabilities, contained in the present concluding observations on its combined third and fourth periodic report.

The Committee welcomed the ongoing constitutional review in the State party and, in this context, the proposal to place the Child Rights Act (CRA) in the concurrent list of legislation which would make it automatically applicable in all states of the federation. However, it remained concerned that most northern states of the State party had not yet domesticated the CRA and about reports that some states that had passed such legislation had adopted a definition of the child which is not in compliance with that of the Convention. Furthermore, the Committee regretted that a comprehensive review on the compatibility of the existing statutory, religious (sharia) and customary laws with the Convention and the Child Rights Act had not been carried out.

The Committee strongly recommended that the State party ensure that the Child Rights Act be included in the concurrent list of legislation in the context of the ongoing constitutional review. The Committee recommended that a comprehensive review of existing legislation and positive law be undertaken to ensure that all laws at federal and state levels, including religious and customary law, were in full compliance with the Convention, as recommended also by the Special Rapporteur on freedom of religion or belief. The State party was urged to ensure that the states that had not yet adopted the Child Rights Act do so within the shortest period possible and to continue and strengthen awareness-raising activities about the Convention and the CRA in those states.

While appreciating the coordinating role of the Federal Ministry of Women Affairs and Social Development (FMWA & SD) for ensuring compliance with the implementation of the Convention in the State party, the establishment of specific ministries charged with women and children's affairs in all states and of child rights implementation committees at national, state and local levels during the reporting period, the Committee remained concerned about the absence of a mechanism that could ensure that child rights were considered across all line ministries and that policies and programs were well-coordinated between national, state and local levels. It was also concerned about reports that the Federal Ministry of Women Affairs and Social Development was not sufficiently resourced to effectively discharge, or prioritise, its child rights mandate. In this context, the Committee noted with appreciation the pending bill before the National Assembly which proposed the establishment of a Child Protection Agency, envisaged to function as the main coordinating body on children's rights in the State party.

While noting with appreciation information on constructive engagement with traditional leaders (Sultans, Emirs and Chiefs) in the State party, but, considering their critical importance at local level for the effective implementation of the Convention and the Child Rights Act, the Committee was

concerned that these local authorities were not sufficiently engaged in the coordination and implementation of child rights policies at the local level.

Referring to its earlier recommendation (CRC/C/15/Add.257, para. 15), it strongly recommended that the State party adopt the bill to establish a permanent Child Rights Agency at the earliest possible time and ensure that it be given a strong coordinating mandate, including inter-ministerial as well as inter-governmental coordination. The Committee furthermore strongly recommended that the State party identify strategies to formally engage traditional and religious leaders in ensuring implementation of the Convention rights at the local level.

The Committee welcomed the adoption of the National Plan of Action on CRC/CRA 2009-2015, in line with its earlier recommendations (CRC/C/15/Add.257, para. 18), which “puts children first as a state policy”, and emphasised health, education, and protection of children. While noting with appreciation that the State party was taking steps to implement and provide resources for the Action Plan, it was concerned that a results-oriented, gender-sensitive and evidence-based cost plan for the operationalisation of the Action Plan remained a challenge. To this end, it recommended that the State party ensure effective implementation of the National Plan of Action on CRC/CRA 2009-2015, including by designing and implementing a cost plan with clear indicators and allocating adequate financial and human resources for its operationalisation.

The Committee reiterated its appreciation (CRC/C/15/Add.257, para. 20) of the appointment of a Special Rapporteur on Child Rights within the Nigerian Human Rights Commission (NHRC) with the mandate to monitor and collect data on violations of children’s rights in the State party. The Committee remained concerned, however, at the adequacy of the human and financial resources available to the Special Rapporteur and regretted that the State party’s report lacked information on the independence of and activities undertaken by the Special Rapporteur, especially in light of the decision of International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights on October 2007 to downgrade the NHRC to B status.

The Committee urged the State party to ensure that the NHRC complied with the Paris Principles and was provided with adequate financial and human resources, including by ensuring that the Special Rapporteur on Child Rights within the NHRC was accessible to children and adequately resourced, taking into account general comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child. The Committee welcomed information that budget allocations to health and education had increased and those funds saved from the State party’s debt relief programme will be invested in children’s programmes. Furthermore, it welcomed information from the State party that a specific budget line on maternal health and the new born child had been included in the 2010 Government budget. It also noted with appreciation the implementation of a comprehensive economic and anti-corruption reform programme, which included prosecution of officials, and at the establishment of an interagency taskteam of anti-corruption agencies. Nevertheless, it reiterated its earlier concern about insufficient budget allocations to children and that corruption remains endemic in the State party (CRC/C/15/Add.257, para. 21) and the adverse effects of corruption on the protection and promotion of children’s rights. The Committee noted with much concern information that due to the fact that the state and local governments were not required to provide budget or expenditure reports to the federal government, the latter was unable to monitor the expenditure of funds.

The Committee strongly recommended that the State party undertake a budget analysis of resources allocated to children, as well as mandate and sufficiently resource a government body responsible for monitoring and evaluating the appropriate use and expenditure of such resources. In this regard, considering the Committee’s recommendations during its day of general discussion on Resources for the Rights of the Child – Responsibility of States, the State party was urged: To take all necessary

measures to effectively prevent and combat corruption, in particular by reinforcing enforcement of existing mechanisms under the State party's anti-corruption reform programme and by investigating and prosecuting all suspected cases of corruption; and utilise a child rights approach in the elaboration of the State budget by implementing a tracking system for the allocation and use of resources for children throughout the budget, thus providing visibility to the investment on children.

The Committee also urged the State party to use this tracking system for impact assessments on how investments in any sector may serve "the best interests of the child", and ensure that the differential impact of such investment on girls and boys was measured; To ensure that children are consulted in the process of budget allocation, as requested to the federal Government by the Children's Parliament; When possible, to follow the United Nations recommendation to start results-based budgeting to monitor and assess the effectiveness of resource allocation and, if necessary, seek international cooperation to this effect; To define strategic budgetary lines for disadvantaged or particularly vulnerable children, especially orphans, children in street situations and internally displaced children, and for those situations that may require affirmative social measures (such as birth registration) and make sure that those budgetary lines were protected even in situations of economic crisis, natural disasters or other emergencies; To develop strategic budgetary lines regarding critical social sectors, in particular health and education, for states in the northern geopolitical zones of the State party with a view to address the prevailing disparities in the realisation of children's economic and social rights; To establish a system of monitoring of the allocation and expenditure of federal government funds by local and state governments with a view to strengthen accountability of the latter.

The Committee noted with appreciation the establishment of the National Bureau of Statistics (NBS) and its fully fledged department dealing with statistics on children during the reporting period. It also welcomed the appointment of the Convention on the Rights of the Child (CRC) Chair at the University of Lagos and the undertaking of a National Baseline Survey on child protection, including indicators, by the same. The Committee noted however that data on children deprived of a family environment, refugee and internally displaced children, children in conflict with the law, children with disabilities, as well as single-parent families still had to be collected and analysed.

The Committee encouraged the State party to continue to strengthen its data collection system, including by providing adequate financial and human resources and by fostering close cooperation and collaboration between relevant entities such as the Child Development Department, Child Rights Implementation Committees, the National Bureau of Statistics, the Child Right Information Bureau in the Ministry of Interior (CRC/C/15/Add.257, para. 5), academic institutions and development partners. It recommended the publication of annual reports on the state of children's rights in the State party and reminded the State party of the Committee's general comment No. 5 (2003) on general measures of implementation.

While welcoming the efforts by the State party to raise awareness of children's rights through training and sensitisation programmes for critical target groups, the Committee regretted that these were primarily of an *ad hoc* character. The Committee also regretted the lack of sustained and comprehensive training programmes for key professional groups, including law enforcement officials, members of the judiciary, prison staff, health professionals, social workers, local government administrators and traditional and religious leaders on the Convention and the Child Rights Act. The Committee recommended systematic training on the Convention and the Child Rights Act for all professional groups working with and for children, with priority given to police, judges, prison staff, personnel of childcare institutions, including through the necessary revision of training manuals and operative procedures. In this regard, the Committee recommended the wide dissemination of the

findings on child protection of the National Baseline Survey for the respective groups as a critical awareness-raising tool on the situation of child rights in the State party.

Mindful of the rich linguistic diversity of the State party, the Committee strongly recommended the translation of the Convention and the CRA into languages used in the federation other than the three major local languages (Hausa, Igbo and Yoruba) and to ensure their wide dissemination and popularisation, especially in rural communities. In light of article 17, paragraphs (a) and (d), of the Convention, the Committee encouraged the active involvement of the media. It also welcomed the State party's indication that state institutions work in close collaboration with civil society organisations in furthering the implementation of children's rights, as witnessed in the participatory process during the preparation of the State party's report. The Committee was concerned, however, of the reliance of the State party on civil society organisations in the provision of social services of the Convention, notably in the fields of childcare and education, which may affect the responsibility of State party as the primary duty-bearer for the realisation of the rights guaranteed under the Convention.

The Committee encouraged the State party to further strengthen its cooperation with civil society in enhancing the protection and promotion of human rights in the State party, including their participation in the implementation of the Committee's concluding observations. While acknowledging the important role played by non-governmental actors in the provision of services for children, the State party was nevertheless recommended to undertake a comprehensive review of their involvement in the provision of core social services for children, including the running of child care institutions and education. The Committee reminded the State party of its obligation to ensure that non-State service providers operate in accordance with the Convention (general comment No. 5 (2003) on general measures of implementation, para. 44). In this regard, the State party was strongly encouraged to establish a system of continuous monitoring and evaluation of social services provided by private entities for children, including by elaborating appropriate standards (see the Committee's Day of general discussion on the private sector as service provider and its role in implementing child rights (2002)).

While noting that the Child Rights Act defines the child in accordance with the Convention establishing the legal minimum age of marriage at 18 years, the Committee noted with serious concern that the definition of the child in some legislation domesticating the Child Rights Act at state level sets the age at 16 years (Akwa-Ibom State) or defined the child not by age but by "puberty" (Jigawa state), reportedly for the purposes of early marriages. The Committee also reiterated the earlier concern expressed in 2005 about the wide variety of minimum ages that are very low at state level (CRC/C/15/Add.257, para. 27).

The Committee urged the State party to ensure that the definition of the child in legislation domesticating the Child Rights Act at state level was in full compliance with that of the Convention, including by amending the adopted Child Rights Laws in Akwa-Ibom and Jigawa states. To this end, the Committee urged the State party to intensify its ongoing dialogue with traditional and religious leaders and state authorities to enhance the understanding of the importance of conceptualising persons under the age of 18 as children with special rights and needs guaranteed under the Convention. The State party was recommended to use the example of the polio eradication campaign in this respect.

The Committee noted as positive that the Constitution incorporates provisions of non-discrimination and welcomed the fact that the Anti-Discrimination Bill was about to be passed by the National Assembly. It remained concerned however that *de facto* discrimination of children prevailed and was tolerated in the State party, in particular *vis-à-vis* the girl child, but also against children with disabilities, children in street situations and children of minority groups. The Committee requested

that the State party provide more information in its next periodic report on measures taken to give practical effect to the principle of non-discrimination as per article 2 of the Convention, especially in relation to the girlchild, children with disabilities, children in street situations and children of minority groups. The State party was encouraged to consider affirmative action programmes to ensure girls effective access to education and prevent early school drop-out, including reinforcing existing programmes such as the Federal Government of Nigeria (FGN) Gender Education Project.

The Committee welcomed the express provision in the Child Rights Act that the child's best interests shall remain "paramount" in all considerations affecting the child and appreciates information that courts of the State party frequently based their decisions on this principle. The Committee was concerned, however, that certain practices that were inconsistent with this and other general principles of the Convention appeared to be considered as reflecting the best interests of the child. This included information on the placement of children from vulnerable groups in remand homes and the detention of child offenders charged with status offences, and of children at the request of their parents for being "beyond parental control", for their own protection.

The Committee strongly recommended the State party to ensure that the principle of the best interests of the child was explicitly enshrined in new legislation domesticating the Child Rights Act at state level. The State party was urged to formally incorporate the best interests of the child as a guiding principle in other actions concerning children, particularly in decisions concerning children without parental care and in the juvenile justice system, and by harmonising this principle with the Sharia Penal Codes and enforcing it in practice.

While noting with satisfaction that the death penalty is prohibited by law in the Child Rights Act, the Committee was seriously concerned at reports related to an estimated 40 prisoners reportedly on death row for crimes committed when they were below the age of 18. It reiterated the strong concern expressed by the African Committee on the Rights and Welfare of the Child concerning the mandatory death penalty for offences in sharia penal codes (including hard punishments) which, given the absence of definition of the child as a person under the age of 18 and that in certain states children were defined by puberty, could be imposed on children under sharia jurisdiction. The Committee was gravely concerned about the impact of inter-communal and political violence on children, including reports that children had been victims of extra judicial killings by law enforcement agencies. Ethnic conflict was also referred to as being among the main causes of orphanage.

The Committee recommended the State party to take the opportunity of its ongoing constitutional review to include an express prohibition of the application of the death penalty to persons under 18 years of age. The Committee urged the State party: To review the files of all prisoners on death row for crimes committed before the age of 18, as recommended by the Special Rapporteur on extrajudicial, summary or arbitrary executions; To prohibit the death penalty for all persons under the age of 18 in domestic legislation, including through the appropriate adaptations in the interpretation of sharia penal codes and in conformity with the Convention; To include comprehensive information in its next periodic report on all measures taken to guarantee to children their right to life, survival and development.

The Committee welcomed the establishment of Children's Parliaments in all 36 states of the Federation, in line with the Committee's recommendation (CRC/C/15/Add.257, para. 35), and their active participation in international as well as national forums. Nevertheless, the Committee remained concerned about the limited participation of children in matters affecting them in children's institutions of all kind, in the community, in the family and in judicial and administrative procedures. It regretted the low level of acceptance thereof, especially in rural areas, and appreciated the State party's acknowledgement of this situation.

In light of article 12 of the Convention, and drawing the State party's attention to general comment No. 12 (2009) on the right of the child to be heard, the Committee urged the State Party: To strengthen the effective functioning of the Children's Parliaments, especially the implementation of its mandate to deliberate and contribute to draft child-oriented bills, and ensure that their composition was representative of all segments of society, including orphans, children with disabilities, refugee children, and other children with special needs; To take effective measures to ensure that the child's right to be heard was respected and implemented in all civil and penal judicial proceedings as well as in administrative proceedings, including those concerning children in alternative care (CRC/C/GC/12, para. 97); To take effective measures to enhance understanding of the value of the right of the child to be heard in all institutions attended by children and at all levels of society, especially at community level, including through awareness-raising activities such as dialogue with traditional and religious leaders and training for adults and children, including peer training themselves on relevant skills to facilitate their effective participation in all matters affecting the child.

The Committee noted with appreciation the efforts made by the State party to improve birth registration. These included the development of an Action Plan to create permanent birth registration systems, the establishment of birth registration points in all government hospitals, the recorded increase in registration coverage from 30.2 per cent (2006) to 47% (2008) as well as the integration of the birth registration process with routine immunisation programmes. The Committee welcomed information by the State party on the introduction of biannual Maternal New-born and Child Health Weeks where birth registrations were undertaken and the introduction in October 2009 of the midwife service scheme in rural areas. The Committee nevertheless remained concerned at the low number of birth registrations, especially in rural areas, and at the non-registration of children born outside hospital, due to lack of awareness of existing legislation, limited number of registration centres and limited financial resources, and a lack of effective registration infrastructure. It also expressed concern that the Birth, Death (Compulsory Registration) Act No. 69 of 1992 provides for prescribed fees in case of registration after 60 days and within 12 months of birth. It further expressed concern that the practice of tribal markings or other tattoos on the child's body as a method of identification still prevails in some parts of the country.

The Committee recommended that the State party continue and strengthen its efforts to ensure free and compulsory birth registration for all children. The Committee urged the State party to: raise public awareness about the importance of birth registration and existing legislation; allocate adequate financial, human and other resources to ensure easy access to registration by population in rural areas, including by strengthening ongoing training programs for birth registration personnel and midwives; urge midwives to report administratively all births and provide midwives with training on how to undertake such reporting; amend the Birth, Death (Compulsory Registration) Act No. 69 of 1992 so as to ensure free birth registration regardless of the time of registration and, in the meanwhile, extend the three-year waiver (2005-2008) for payment fees permanently; To ensure that monitoring bodies, in particular state committees for birth registration, operate effectively, including through adequate resources; To conduct awareness-raising programs, notably through the media, in rural areas on the importance and benefits of birth registration.

The Committee took note of the draft laws on the definition and prohibition of torture in line with article 1 of the Convention against Torture and on the establishment of a torture investigation commission. The Committee noted with utmost concern, however, reports that torture and other forms of ill-treatment were widespread in police custody, and particularly at reports that children as young as 11 years of age had been held in custody in inhuman conditions in the Criminal Investigation Department (CID). In this regard, the Committee expressed serious concern at the

lack of data on the number and nature of complaints of torture and other forms of ill-treatment of children deprived of their liberty.

The Committee urged the State party to: expedite the adoption of the bill to outlaw torture by the National Assembly and consider the incorporation of the absolute prohibition of torture in the Constitution; take all necessary measures to ensure that no persons under the age of 18 are subject to torture or other forms of inhuman, degrading or cruel treatment or punishment as guaranteed by article 37 (a) of the Convention, including by ensuring independent monitoring of places of detention and by undertaking comprehensive training programmes for security and police personnel, especially for the special police units established to deal with children in conflict with the law; and establish an effective complaints and data collection system concerning complaints on torture or other forms of ill-treatment of children deprived of their liberty and that all allegations of torture or other forms of ill-treatment are promptly and properly investigated and the perpetrators were prosecuted.

The Committee remained concerned that little or no action had been taken, or was planned, by the State party to follow-up on its earlier recommendations concerning the outlawing of corporal punishment, especially by amending the relevant provisions of the Criminal Code and the Children and Young Persons Act which were inconsistent with the State party's obligations under the Child Rights Act and the Convention. The Committee urged the State party to ensure the prohibition of corporal punishment in all settings, including in the home and under sharia law, as recommended by the Committee in its earlier recommendations (CRC/C/15/Add.257, para. 38). The Committee further strongly recommended that the State party conduct awareness-raising campaigns to ensure that alternative forms of discipline are used, in a manner consistent with the human dignity of the child, drawing the State party's attention to general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and that it should seek assistance from traditional and religious leaders in this respect.

The Committee welcomed the Elimination of Violence in Society Bill and the adoption of state legislation prohibiting acts of violence against girls and women in support of the federal draft law. Nevertheless, it reiterated its concern about the continued violence against children, especially gender-based violence. With reference to the United Nations Study on violence against children, the Committee recommended that the State party: Take all necessary measures to implement the recommendations of the United Nations Study on violence against children (A/61/299), taking into account the outcome and recommendations of the Regional Consultation for West Africa held in Mali on 24-25 May 2005. In particular, it recommended that the State party pay particular attention to the following recommendations: Prohibit all forms of violence against children; strengthen national and local commitment and action; promote non-violent values and awareness-raising; enhance the capacity of all who work with and for children; ensure accountability and end impunity; use the recommendations of the study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children were protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse; seek technical cooperation in this respect from the Special Representative of the Secretary-General on Violence against Children, UNICEF, OHCHR, and the World Health Organisation (WHO), and other relevant agencies and organisations.

Whilst noting the measure taken by the Government to create the Nigerian Inter-Religious Council (NIREC) in order to facilitate dialogue among the various religions of the country, the Committee was concerned by the limitations affecting children in the exercise of their right to freedom of religion due to different tensions between the religious communities and that these tensions had created a climate of fear of openly manifesting their religion. Furthermore, the Committee was concerned that, in certain regions, the fact to convert to another religion was considered as a grave offence and is

sentenced with extremely severe penalties. The Committee recommended that the State party take all appropriate action to ensure to children the free practice of their religion and the respect of their right to freedom of religion and belief. To this regard, it recommended also that the State party favours a climate of religious tolerance and that it not stigmatise children, in particular by not considering the choice of religion as a criminal offence.

While welcoming the proposed framework in the National Economic Empowerment and Development Strategy (NEEDS II) for providing support to vulnerable groups, including single parents and teenage mothers, the Committee regretted the lack of information in the State party's report on measures taken to support parents, guardians or members of the extended family in providing appropriate direction and guidance in the child's exercise of its rights and to support them in the performance of their child-rearing responsibilities. In addition, it regretted that no available disaggregated data existed concerning single-parent families and was concerned about the reported social stigmatisation facing single mothers. The Committee directed that the State party provide further information about the implementation of articles 5 and 18, paragraph 2, of the Convention in its next periodic report. It recommended that the State party take all necessary measures to ensure the allocation of appropriate financial and other support programmes that assist parents, especially single-mother and teenage households, or legal guardians, in the exercise of their responsibilities. The State party was furthermore strongly encouraged to adopt a comprehensive family law to guide appropriate policies in this respect.

The Committee welcomed the adoption of the National Plan of Action on Orphans and Vulnerable Children (2006-2010) and the National Guidelines and Standards of Practice on Orphans and Vulnerable Children, based on a rights-based approach and guided by the principle of the best interests of the child. The Committee was nevertheless concerned about the adequacy of programmes and the capacity of institutions to effectively implement these frameworks in view of the alarmingly high number of orphans and otherwise vulnerable children. It expressed particular concern about the situation of children orphaned by HIV/AIDS, children in street situations, including the *alamajiri*, and the placement of orphans in remand homes where, in some instances, they lived together with adults and children in conflict with the law.

The Committee urged, as a matter of priority, the State party to allocate adequate financial, human and other resources to ensure the effective implementation of the aforementioned policies and guidelines for the protection and well-being of children deprived of their family environment. In particular, the State party was urged to: take all necessary measures to provide alternative child care options for children currently living in remand homes with a view to abolishing the use of remand homes for the care of children without a family; provide alternative child care options, such as foster placement, *kafala* of Islamic law and adoption for children; to establish institutions responsible for the monitoring and evaluation of child care institutions in all states to ensure that they operate in consistency with the rights and best interests of the child, taking into account the National Policy and Guidelines for the Establishment and Monitoring of Child Care Centres; To adopt legislation regulating alternative care of children and accompanying regulatory framework outlining the rights of children under such care, in line with the Guidelines for the Alternative Care of Children contained in the General Assembly Resolution A/RES/64/142 of 20 December 2009.

The Committee regretted the lack of information provided by the State party on the practice and extent of domestic and inter-country adoption of children. The Committee remained concerned about information received, and as contained in the second periodic report of the State party (CRC/C/70/Add.24, para. 97), that the lack of uniform adoption laws in the State party had created a system of abuse. While noting that though the State party did not allow for inter-country adoption, the Committee was concerned that the practice remained unregulated and was on the increase. The

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Committee also expressed grave concern about reports of “baby farms” where children were sold to prospective adoptive persons who in turn sold them for profit.

The Committee recommended that the State party provide further information about the implementation of article 21 of the Convention in its next periodic report. The State party was strongly encouraged to harmonise national laws on domestic adoption with the Child Rights Act and ensure their compliance with the Convention, including with *kafala*. While recalling that inter-country adoption was a measure of last resort for children without families, the Committee urged the State party to ratify the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption; continue its efforts to eradicate the existence of “baby farms”, including by concluding its mapping exercise on “baby farms”, ensuring the release and rescue of child victims of this practice and investigating and prosecuting those responsible.

While noting the acknowledgment of the State party about the abuse of children in street situations, especially sexual harassment, and in the family setting, the Committee regretted the lack of information about the extent and forms of child abuse and about the legislative and administrative framework in place to prevent and protect children from all forms of violence, abuse and neglect. The State party was urged to: put in place an effective system of data collection and monitoring cases of violence, abuse and neglect of children; establish an effective coordination mechanism between authorities competent to receive and investigate child abuse cases, including the special units, pilot juvenile complaint desks and human rights desks of the Nigerian Police and the Special Rapporteur on Child Rights of the Nigerian Human Rights Commission; undertake comprehensive training and sensitisation programmes for health professionals, law enforcement personnel, judges and prosecutors on the prevention, protection and prosecution of child abuse cases.

The Committee welcomed the frank acknowledgment of the State party with respect to the significant challenges facing the country in protecting and ensuring the rights of children with disabilities. It noted with appreciation information about the ongoing survey on children with disabilities, supported by UNICEF. While further noting information on special education facilities for children with disabilities, the Committee was concerned at the regional disparities in the availability of such facilities. The Committee was furthermore concerned at the lack of information on follow-up on its previous recommendations relating to children with disabilities (CRC/C/15/Add.257, paras. 46-47), in particular that no comprehensive policy on children with disabilities had been developed. It also noted the use of offensive and derogatory definitions and categories employed by the State party when referring to children with disabilities.

To this regard, the Committee urged the State to take measures towards the ratification of the Convention on the Rights of Persons with Disabilities and take all necessary measures to implement its earlier recommendations regarding children with disabilities (CRC/C/15/Add.257, para. 47). It also strongly recommended that the State party adopt a national policy on children with disabilities, based *inter alia* on the findings of the ongoing survey, and consider the establishment of a coordinating body to help focus on the special needs of children with disabilities; continue its efforts to ensure access to education and health services for all children with disabilities in all states; and address existing geographical disparities with respect to available social services.

The Committee noted with appreciation the significant efforts of the State party in the field of health, notably the adoption of the National Health Policy (2005), the Integrated Maternal, New born and Child Health (IMNCH) Strategy (2007), immunisation programmes, including the revised guidelines for distribution of funds for the effective use of the Global Alliance on Vaccine for Immunisation (GAVI) fund, and improved access to safe drinking water. The Committee also noted with appreciation the provision of free maternal and child health services in 18 northern states as well as the significant progress in halting polio the previous year, subsequent to action taken by local leaders

in rural areas of the northern states. It further welcomed the adoption of the National Strategic Health Development Plan in March 2010 and indications that the Government intends to increase its allocation to the health sector (currently 4% in the 2010 budget proposal).

The Committee nevertheless remained seriously concerned at the continued high rate of infant, child and maternal mortality (the second-highest in the world) and the high incidences of preventable diseases such as malaria, HIV/AIDS and diarrhoea. It expressed its utmost concern at the significant geographical disparity between the northern and southern regions of the State party in terms of the coverage of vaccination, the very low percentage of children who received full immunisation, the rate of malnourishment, and incidences of child diseases, and the strong correlation between access to health care (including pre- and post-natal care) and the level of education and income.

Referring to its recommendations on the Elimination of All forms of Discrimination against Women (CEDAW) of 2008 (CEDAW/C/NGA/CO/6, paras. 31-34), the Committee also urged the State party, as a matter of priority: To strengthen the capacity of its decentralised health care system to deliver, including by ensuring effective roll-out of the second and third phases of the IMNHC, while prioritising the most disadvantaged northern states; strengthen the coverage of the National Immunisation Programs, especially in rural areas; consider nutrition as a national priority and provide appropriate resources for the implementation of nutrition programmes and to ensure their full integration into government health structures; and develop ongoing efforts to ensure community participation and ownership, especially by parents, regarding pre and post-natal care, child health, nutrition and family planning.

Others are to address the correlation between access to health care and girls' education, with a view to combating maternal mortality and empower women in decision-making concerning their health care; To adopt the National Health Bill, which provided for direct funding line for primary health care, at its earliest possible and ensure that it guarantees the right of the child to the best attainable state of physical and mental health, as stipulated in the Child Rights Act; To amend the Constitution with a view to guaranteeing the right of the child to the best attainable state of physical and mental health as a constitutionally protected right, and with a view to specifying the respective powers and responsibilities of federal, state and local governments in the delivery of health care. It further directed that the State party fulfil its commitment, as set out in the 2006 WHO Regional Committee for Africa resolution on "Health Financing: A Strategy for the African Region", by allocating a minimum of 15% of her annual budget to improve the health sector, and continuing to seek technical cooperation and assistance from UNICEF and WHO; ensure the provision of free maternal and child health services to all states of the federation and take measures to safeguard nation-wide coverage of the implementation of the National Health Insurance Scheme (NHIS).

The Committee noted the development of a National Policy on Adolescent Health and Development (2006) as well as the Adolescent Health, HIV/AIDS Prevention, Care and Support project and of adolescent health guidelines. It further welcomed the identification of adolescent health as one of the indicators of the National Strategic Health Development Plan and the agreement signed by all state governors to implement the plan as well as efforts to secure funding to strengthen access to contraceptives. It likewise welcomed information that reproductive rights and maternal health education had been introduced in the school curricula. However, it remained concerned at remaining health challenges facing adolescents, such as abortion complications and deaths of girls as a result of unsafe abortions, the lack of access to information and services relating to reproductive health for adolescents, the very low percentage of adolescents who use condoms at their first sexual encounter, restrictive abortion law, the existence of user fees and prevalence of HIV and sexually transmitted diseases (STIs).

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The Committee recommended that the State party, taking into account the Committee's general comment No. 4 (2003) on adolescent health and development, continue to strengthen activities and services under its national adolescent health policy and other projects. It strongly recommended that the State party, among other things: Abolish user fees and take other measures to increase adolescent girls' access to affordable health-care services, including reproductive health services, and other measures to prevent unwanted pregnancies; Take all necessary measures to involve civil society, especially the local community and grass-root NGOs, in the implementation of the National Policy on Adolescent Health and Development from a bottom-up approach; ensure free and easily accessible contraceptives for adolescents, including condoms, in health facilities and in schools, and develop and implement child-friendly awareness-raising programmes on the use of contraceptives; introduce sex education for boys and girls in the school curricula and undertake sensitisation programs at community level on reproductive health and rights; and consider the recommendations by the Committee on the Elimination of Discrimination against Women to review and amend the State party's abortion laws (CEDAW/C/NGA/C/06, para. 34).

The Committee was concerned at the lack of information on the mental health and emotional well-being of children and adolescents and appreciates the frank acknowledgement made by the State party during the constructive dialogue that efforts needed to be made in this area. The Committee recommended that the State party undertake a comprehensive study on the mental health of children and adolescents and develop a strategy on the mental health of children and adolescents which was adequately resourced.

The Committee expressed serious concern about the extremely high prevalence of early marriages among girls in the northern states and its impact on their enjoyment of other human rights, especially the right to education. In this context, it noted with appreciation the adoption by some states of laws prohibiting the withdrawal of girls from school because of marriage. While noting the multidisciplinary approach adopted by the State party to raise awareness and promote attitudinal change with respect to female genital mutilation (FGM), and making cutting tattoos or marks and female genital mutilation punishable offences in the Child Rights Act. But it was concerned about the high percentage of women who had undergone female genital mutilation. The Committee regretted the lack of up-to-date information on measures taken by the State party to prevent and eliminate harmful traditional practices, including progress in the implementation of its earlier recommendations (CRC/C/15/Add.257, paras. 54-58).

The Committee urged the State party, as a matter of priority: To take prompt measures to address the practice of early marriages in the northern states; undertake sensitisation programs on the prohibition of early marriages in the Child Rights Act and ensure that state legislation incorporates such prohibition of all children under the age of 18. It also advised that the State party develop and undertake comprehensive awareness-raising programs on the negative implications of early marriage for the girl child's rights to health, education and development, targeting in particular traditional and religious leaders, parents and state parliamentarians. In similar vein, it called for the prohibition by law of withdrawal of children from school because of marriage; elimination of FGM and other harmful traditional practices, including by enacting legislation to prohibit FGM and to conduct awareness raising programmes for, and involving parents, women and girls, heads of families, religious leaders and traditional dignitaries.

The Committee noted with appreciation the measures taken by the State party to address the phenomenon of children accused of witchcraft, including the passing of state legislation prohibiting such practice in Akwa Ibom State, the arrest and prosecution of offenders, ongoing awareness-raising and rehabilitation programmes, and successful family reunification projects. The Committee nevertheless remained extremely concerned at the reportedly widespread practice of the witchcraft

stigmatisation of children in the State party and reports that these children were tortured, abused, abandoned and even killed as a result of such stigma and persecution. The Committee was particularly concerned at the reported roles of certain churches and the film industry in promoting the belief in child witchcraft and observed that already vulnerable children, including children from poor families and children with disabilities, were at greater risk of witchcraft stigmatisation. In this respect, the Committee expressed utmost concern at reports of arbitrary killings of children during the course of activities designed to extract a confession of witchcraft or resulting from exorcism ceremonies.

The Committee urged the State party to strengthen efforts to combat the belief in and accusation of children of witchcraft. Specifically, the Committee urged the State party: To criminalise making accusations against children of witchcraft and related abuse at national and state level and ensure that authors of crimes on the basis of witchcraft are prosecuted; To ensure training to law enforcement agencies and prosecutors on existing relevant penal provisions criminalising such acts; To undertake appropriate sensitisation and awareness-raising programs, including in cooperation with civil society organisations and with the media, to address the belief in child witchcraft, for the general public as well as for religious leaders; To regulate those religious institutions found to engage in such practices and request them to adopt child protection policies; and to undertake a comprehensive research study on the causes and effects of the phenomenon.

The Committee recognised the efforts undertaken by the State party in addressing the HIV/AIDS epidemic, including the Adolescent Health, HIV/AIDS Prevention, Care and Support Project and the exclusive breastfeeding programme for HIV/AIDS infected mothers. The Committee noted the expansion of the Prevention of Mother to Child Transmission (PMTCT) programmes and their integration into other health care interventions. However, it regretted that education and awareness programmes were insufficient to effectively prevent new HIV infections and expressed concern about the high number of children orphaned by HIV/AIDS in the State party (1.8 million).

Whilst drawing the State party's attention to its general comment no. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommended that the State party, continue to develop and strengthen its policies and programmes to provide care and support for children infected or affected by HIV/AIDS, particularly children orphaned by HIV/AIDS, including by enhancing the capacity of extended families or the community to care for such children. It also recommended that awareness of HIV/AIDS prevention be strengthened among adolescents, including through sex education in schools and by the active use of the media and other public awareness campaigns.

The Committee noted with appreciation steps taken by the State party to implement its free Universal Basic Education Programme (1999) and measures to improve quality of education, including a gender review of the curricula. It also welcomed the increased budgetary allocations for the education sector, the increase in primary school enrolment, improvement in infrastructure, adoption of the Vocational Educational Initiative and the development of special vocational training programmes to assist children from low socio-economic status as well as those from other vulnerable groups. It also noted with appreciation the ongoing process of integrating religious schools into the formal school system and for providing them with trained "*malams*" (teachers). However, it remained seriously concerned about: The high percentage of the primary school age population that was not enrolled in schools; The very low national primary school completion rate and the low net secondary school enrolment rate; Persisting wide geographical disparities in terms of enrolment rates and educational facilities; Persisting gender inequalities in enrolment and retention rates in the northern states; The existence of fees and absence of the right to free and compulsory education in the Constitution and at information that parents who refused to enrol their children in schools were

subject to sanctions; and the inadequacy and inaccessibility of vocational training programmes for many children, including children in conflict with the law.

Taking into account its general comment no. 1 (2001) on the aims of education, the Committee urged the State party to:

- (a) Ensure that primary education is effectively free and compulsory for all children without discrimination, including by abolishing school fees;
- (b) Ensure that the right to free and compulsory education is incorporated in the Constitution within the context of the constitutional review;
- (c) Continue to increase public expenditure for education, in particular primary education, with specific attention to addressing gender and regional disparities in the enjoyment of the right to education, and to enhance quality of education, including by ensuring that parents were not required to bear any financial burden for education and learning materials;
- (d) Continue to strengthen its efforts to integrate religious learning institutions, including the alamajiri schools, into the formal school system and to provide teachers education to "malams";
- (e) Promote pre-school education for children and make special attempts to include children from vulnerable and school-distant groups at early ages;
- (f) Take effective measures to ensure equal access to secondary education, especially in rural areas and in the north-western and north-eastern regions of the State party,¹ by promoting enrolment of girls;
- (g) Continue and strengthen its efforts to ensure accessible and available vocational training opportunities for all children, with a priority to children from vulnerable groups.

The Committee noted that the State party was hosting a number of refugees and asylum-seekers from countries involved in or emerging from conflicts, the majority of which were children and women. Whilst the Committee noted that refugee children had the same entitlements as nationals to all rights enshrined in the CRA, and appreciated information that some refugee children were provided with educational scholarships and that schools had been renovated to facilitate integration of refugee children, it was concerned about the lack of disaggregated data on refugee and asylum-seeking children in this respect, just as it was greatly concerned that refugee children were not able to benefit from the national child protection scheme.

To this end, the Committee urged the State party: To include refugee children in the national child protection system, as a matter of priority and take all measures to guarantee the protection of refugee children in line with its obligations under international human rights and refugee law obligations, while considering the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin. It also enjoined the State party to strengthen the financial and human resources allocated to the National Commission for Refugees, with a view to ensuring reliable statistics on the number, age, sex and nationality of refugee and asylum-seeking children; and undertake the necessary legislative changes to ensure that the recruitment or use in hostilities of children constitutes a ground for the granting of refugee status and non-refoulement.

The Committee also noted information in the State party's written replies on measures to enhance the situation of internally displaced persons (IDPs), including the amendment to the National Commission for Refugees (NCFR) Act aimed at giving wider legal powers to the NCFR with respect to its presidential mandate on internal displacement and the draft amendment bill on internally

displaced persons. Nevertheless, it remained concerned over the absence of a comprehensive legislative and policy framework on IDPs to effectively address the situation of IDP children, especially those displaced in connection to recent political and inter-communal unrest and violence, flooding and evictions, and ensure their long-term reintegration in society. Another cause of concern to the Committee was the absence of a data collection system on internally displaced persons.

The Committee further urged the State party to take all measures to guarantee the rights and well-being of internally displaced children. In particular, it urged the State party to adopt a comprehensive national policy on IDPs which, *inter alia*, identifies the agency responsible for the registration, monitoring and protection of IDPs, including children; and ensure that, until such policy was in place, the National Commission for Refugees (NCFR) and the Nigerian Red Cross were provided with the necessary resources to effectively protect and ensure the rights of internally displaced children.

In addition, it was concerned at the lack of information in the State party's report on minorities, particularly the Ogoni community (Niger Delta region); and by discrimination against ethnic minorities. It further noted that provisions of the National Policy on Education conferring special status on the three major languages (Hausa, Igbo and Yoruba) may be interpreted as discriminatory. It also noted that no strategies had been developed to ensure appropriate curricula for minorities, which took into account the right of children of minority groups to use and receive education in their own language. In view of these, it urged the State to conduct a study analysis in order to respond adequately to their needs, particularly the Ogoni community; ensure that children of minority groups are given equal access to education and equal chances to develop qualifications through the introduction of appropriate and adequate curricula which recognise their right to use and receive education in their own language.

The impact on children of political violence in recent years, inter-communal and inter-religious unrest and of armed conflict in the Niger Delta and in other parts of the State party were other matters over which the committee expressed grave concerns. It noted with utmost concern reports alleging that children were among the victims in the recent massacres in Jos in March 2010 and of reports of arbitrary killings by security agencies during the violence in Plateau state in November 2008. While noting the recent peace process in the Niger Delta region and the ensuing disarmament, the Committee recognised the challenges in ensuring long-term education and employment for the youth ex-fighters. The Committee urged the State party to take measures to prevent any violation of the right to life, survival and development of children affected by violent conflict and unrest in its territory. It urged the State party to give full consideration to the recommendations set forth in the decision of 11 March 2010 by the Committee on the Elimination of Racial Discrimination.

The Committee urged the State party to implement its programmes to provide education for children in the Niger Delta, as well as to develop, in line with article 39 of the Convention, necessary recovery and reintegration activities to ensure long term social reintegration of these children. It noted the public awareness campaigns to combat economic exploitation of children and the undertaking of a survey in 2008 to identify the prevalence and nature of child labour as well as information on the establishment of child labour units in all states, and the formulation of a draft policy on child labour. However, it was gravely concerned about the very high number of children engaged in the worst forms of child labour, in particular the reports of forced child labour in agriculture, construction, mining and quarrying, involving the trafficking of children from neighbouring countries. While noting the provisions prohibiting worst forms of child labour in the Labour Act (1990) and the Child Rights Act and information on an ongoing review of labour laws with regard to child labour, the Committee remained concerned that the State party lacked a comprehensive list determining the types of hazardous work that shall not be performed by children under 18 years of age.

It urged the State party to take all appropriate steps to eliminate exploitative child labour. Specifically, the Committee urged the State party to: ensure that the child labour units were adequately resourced so as to strengthen their monitoring activities, in close cooperation with the Child Development Department and the Federal Ministry of Women Affairs and Social Development; adopt a comprehensive list of exploitative and hazardous work prohibited to persons under the age of 18 as recommended by the ILO Committee of Experts on the Application of Conventions and Recommendations; and ensure the effective enforcement of applicable sanctions against persons violating existing legislation on child labour, including by raising awareness of international standards relating to child labour among labour inspectors, the general public and law enforcement agencies.

The Committee also noted the efforts of the State party to provide children in street situations with appropriate solutions to their difficult situation, but was of the view that endemic poverty had direct implications on children with many being sent to the streets where they engaged in hawking or other forms of work to support the family income. The Committee was also alarmed by the increase in the number of children in street situations and that children could be penalised under criminal law for "status offences", such as vagrancy, truancy or wandering. The Committee recommended that the State party undertake an in-depth study and statistical analysis on the causes and scope of the phenomenon of children in street situations in Nigeria. It further called on the State party to develop a national strategy to support children in street situations and prevent other children from living and working in the street, including the *alamajiri* children, by ensuring that children in street situations are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development; and abrogate laws which criminalised vagrancy, truancy or wandering and other "status offences" for children.

The Committee welcomed the legislative, administrative and educational efforts taken by the State party to address child trafficking as outlined in its report, including the establishment of anti-trafficking units within the law enforcement agencies, and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), the increase in rescued victims of child trafficking and the investigation, prosecution and conviction of perpetrators, as well as the adoption of a national action plan on trafficking in persons (2006). However, it was concerned about the widespread character of child trafficking and that the State party remained a source, transit and destination country for trafficking of children. It noted with particular concern that the overwhelming majority of rescued victims of trafficking were girls trafficked for purposes of sexual exploitation and that successful prosecutions remained low. The Committee was also concerned that the link between human trafficking and international protection obligations were inadequate, particularly concerning children trafficked over international borders.

It urged the State party to continue its efforts to protect children from trafficking and sale. Specifically, it strongly urged the State party to conduct media campaigns and continuous dialogue and advocacy to raise awareness on victim identification indicators and reporting mechanisms; tackle the root causes and improve the situation of children at risk, especially the girl child, through economic reintegration and rehabilitation of victims. It further advised the State party strengthen training programs addressing law enforcement officers and public awareness campaign targeting, in particular, parents; invite both the Special Rapporteur on trafficking of persons, especially in women and children and the Special Rapporteur on the sale of children, child prostitution and child pornography to visit the State party; reinforce prevention of trafficking of children abroad, including in the framework of the European Development Fund agreement 2009-2013; and take all measures to ensure investigation, prosecution and conviction of perpetrators of child trafficking in accordance with national legislation. Others include establishing a referral mechanism between the asylum system and the victims of trafficking protection system in order to ensure that child victims of trafficking had access to the asylum procedure and that child asylum-seekers who may have been

victims of trafficking access and receive specialised assistance for their recovery and reintegration. It also enjoined the State party to consider ratifying the Protocol to Prevent, Suppress and Punish Traffickers in Persons, especially Women and Children.

While welcoming the fact that sexual exploitation and abuse were among the five topics of the National Baseline Survey on Child Protection, the Committee was concerned at the lack of data on the phenomenon in its report. It was seriously concerned at reports of the high number of children who had experienced some form of sexual abuse, including in schools, and that such abuse was not documented and reported to the police. It equally expressed grave concern at the high number of trafficked children who were victims of sexual exploitation or who are trafficked and sold abroad, primarily to Europe, for purposes of sexual exploitation. The reports on young girls, including children in street situations and orphans, being forced into prostitution in urban centres of the State party was another cause of concern.

In response to these reports, the Committee strongly recommended that the State party take effective measures to prevent and combat sexual exploitation of children. Specifically, it recommended that the State party Develop appropriate policies and strategies to effectively address sexual exploitation of children, including by disseminating the findings of the National Baseline Survey on Child Protection regarding sexual exploitation of children among relevant authorities; Develop an awareness-raising campaign on schools free from sexual violence and abuse in close cooperation with parents, teachers, school administrators and children; Undertake extensive trainings and other forms of sensitisation programs for law enforcement agencies on sexual exploitation and abuse of children and consider the appointment of staff/unit with specialised expertise on this topic; Develop and implement appropriate policies and programs for prevention, recovery and social reintegration of child victims in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996, 2001 and 2008 World Congresses against Commercial Sexual Exploitation of Children as well as the outcome of other international conferences on this issue.

The Committee appreciated the introduction in the new Child Rights Act of a chapter dedicated to children in conflict with the law and welcomed the establishment of family courts to deal with juvenile offenders, while noting with regret that these were only established in eight states to date. It also noted the increased training for judges, magistrates and law enforcement officers concerned with juvenile justice and the establishment of specialised police units in charge of children. However, the Committee re-echoed its serious concern at the existence of the death penalty to persons below 18 under sharia law (CRC/C/15/Add.257, para. 32) and expressed great concern over information indicating that there was not a minimum age for criminal responsibility and that children younger than 18 years of age could be tried and deprived of their liberty in rehabilitation centres or even in detention facilities. It was similarly concerned at the remaining number of children in adult jails and ill-treatment of children in custody by police, including in pre-trial detention, and the absence of penal procedural rules during their trial before the family courts.

The Committee reiterated its previous recommendation that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards including the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee's general comment No. 10 (2007) on the rights of the child in juvenile justice. In this regard, the Committee recommended that the State party, inter alia: Ensure with immediate effect that neither the death penalty nor life sentence were imposed for offences committed by persons under 18 years of age;

Consider setting the minimum age of criminal responsibility as at least 12 years with a view to raising it further as recommended in the Committee's general comment No. 10 (2007) on the rights of the child in juvenile justice; Consider the establishment of specialised procedural rules to ensure that all guarantees were respected in proceedings before the family courts; Limit by law the length of pre-trial detention of children.

Others are to continue in her efforts to ensure that children deprived of liberty in rehabilitation centres or in detention facilities are never kept with adults, that they have a safe, child-sensitive environment, and that they maintain regular contact with their families; Ensure that children were held in detention only as a measure of last resort and for the shortest period possible and that detention was subject to regular review; Establish an independent body for the monitoring of placement conditions and receiving and processing complaints by children in facilities; and adopt a national policy in prevention and promotion of alternative measures to detention such as diversion, probation, counselling, community service or suspended sentences, wherever possible, in line with the provisions of the Child Rights Act. It also called on the State party to provide children, both victims and accused, with adequate legal and other assistance at an early stage of the procedure and throughout the legal proceedings; establish special police units dealing with children in all states of the federation and ensure that they receive training on the Child Rights Act and Convention; expedite the establishment of family courts in all states and ensure that they were provided with adequate human and financial resources; request further technical assistance in the area of juvenile justice and police training from the Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR, and NGOs. The Committee encouraged the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, the International Covenant on Civil and Political Rights, the Convention against Torture and the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

The Committee recommended that the State party take all appropriate measures to ensure that the present recommendations were fully implemented, *inter alia* by transmitting them to members of the National Assembly, the Supreme Court, the line ministries at federal and state levels (in particular those of women affairs and social development, health, education and justice), the Children's Parliaments, and, to the extent possible, local governments, for appropriate consideration and further action. further recommended that the combined third and fourth periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the main languages of the country, including (but not exclusively) through the Internet, the print and broadcast media to the public at large, civil society organisations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

The Committee invited the State party to submit its combined fifth to eight periodic reports by 18 November 2016. According to them, the report should not exceed 120 standard pages (see CRC/C/118). The Committee expected the State party to report every five years thereafter, as foreseen by the Committee. It also invited the State party to submit an updated core document in accordance with the requirements of the common core document in the Harmonised Guidelines on Reporting, approved by the 5th Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

ABOUT THE BOOK

Nigeria is a Member State of the United Nations and a signatory to relevant human rights treaties and conventions, some of which it has ratified and domesticated, including some of the optional protocols. In addition to signature and ratification of several treaties and conventions, Nigeria has also acceded to the Individual Complaints, Inquiry and Interstate Procedures for some of the treaties and conventions.

Like all UN Member States that are signatories to human rights treaties and conventions, Nigeria is required to submit periodic State Party reports for the consideration of the relevant Treaty Bodies of the Human Rights Council. Following their consideration of the reports, the Treaty Bodies issue concluding observations and recommendations on the extent of Nigeria's implementation of its treaty obligations.

This Compendium is one of the Publication Series of the Human Rights Institute of the National Human Rights Commission. It chronicles and aggregates Nigeria's reports to the Treaty Bodies, as well as recommendations and concluding observations emanating from the respective Treaty Bodies.

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